



DIAN STATUTORY COMMISSION  
VOLUME XVI

SELECTIONS FROM  
MEMORANDA AND ORAL  
EVIDENCE  
BY NON-OFFICIALS  
(PART I)

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# INDIAN STATUTORY COMMISSION.

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### *See also*

- (1) Report of the Indian Central Committee—issued as Command Paper No. 3451 of 1929; and Supplementary Note by Dr. A. Suhrawardy, M.L.A.—issued as Command Paper No. 3525 of 1930.
- (2) Review of Growth of Education in British India by the Auxiliary Committee appointed by the Commission—issued with Interim Report by the Commission as Command Paper No. 3407 of 1929.

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## PREFATORY NOTE

### VOLUME XVI

The extracts from oral evidence contained in this volume cover the more important portions of the evidence given, in the presence of the Press, by non-officials\* in the following Provinces : Bombay, Punjab, North-West Frontier Province, Delhi, United Provinces, and Bihar and Orissa. Volume XVII contains that given in the Provinces of Assam, Bengal, Burma, Madras, and the Central Provinces.

In nearly every case the witnesses had previously submitted written memoranda; these documents formed the basis of their examination, and are printed at the beginning of their oral evidence.

A few of the written memoranda on which oral evidence was not taken, are also included in this volume.

As explained in the preface to Volume I of the Commission's Report, all evidence was taken by a Joint Conference consisting of the Statutory Commission, the Indian Central Committee and, in all the Governors' Provinces except the Central Provinces, a Provincial Committee. A list of the members of these Committees is given on page iv.

References in the evidence to pages of the various written memoranda have been altered to correspond with the paging in the present volume.

The Commission have suggested that the full text of the evidence given in the presence of the Press, including portions omitted from the present volume as being of less importance, and also copies of non-official memoranda not printed in these volumes, should be made available for inspection in London and India, and it is understood that this will be done.

\* Including officials, speaking for Service associations in their personal capacity, and not representing views of Government.

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NOTE.—The composition of the Joint Conference is given at the beginning of each day's evidence, and is the same during the afternoon as during the morning session unless otherwise stated.

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## DOCUMENTS TO WHICH FREQUENT REFERENCE IS MADE.

Full Title.	Usual Description.	
Committee on Financial Relations between the Central and Provincial Governments in India.	Meston Committee Report.	Cmd. 7240 of 1920.
Report of Taxation Enquiry Committee, 1925 . . . . .	Toshunter Committee Report.	Government of India publication.
Report of North West Frontier Enquiry Committee, 1922 . . . . .	Bray Committee Report.	Government of India publication.
Report on Indian Constitutional Reforms . . . . .	Montagu-Chelmsford Report.	Cmd. 9109 of 1918.
Report of the Committee appointed by the Secretary of State for India to enquire into questions connected with the Franchise and other matters relating to Constitutional Reforms. (Chairman: LORD SOUTHBOROUGH.)	Franchise Committee Report.	Cmd. 141 of 1919.
Report of the Royal Commission on the Superior Civil Services in India.	Lee Commission Report.	Cmd. 2128 of 1924.
Report of Reforms Enquiry Committee . . . . .	Muddiman Committee Report.	Cmd. 2360 of 1925.

$\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

... ..

5. The arguments against the Weston Settlement were succinctly summarised by Mr. Grantham in his

6. It will be necessary to develop briefly the main points in Bombay's indictment of the Meston Settlement. The table below shows the additional revenue awarded to each Province, together with the percentage increase, while in the last column the contributions of the five major Provinces to Central revenues are shown:—

7. It will be seen that out of an additional net increase of 18½ crores 15 crores were allotted to four provinces, viz., Madras, United Provinces, Punjab

\* These figures and any others contained in this Memorandum and in the Appendix can be substantiated by a reference to Government publications.



## BOMBAY CHAMBER OF COMMERCE. MEMORANDUM ON MESTON SETTLEMENT. [Continued.]

and Burma and 3½ crores went to the remaining five provinces, which included Bengal and Bombay, so that while Madras, United Provinces and Punjab received windfalls of 66 per cent., 51 per cent. and 50 per cent., respectively, over and above their former revenues Bengal and Bombay received increases of 14 per cent. and 9 per cent. respectively.

8. In regard to the theoretical basis of the Meston Settlement, it is contended that the origin of all the subsequent trouble is to be found in the academic insistence by the framers of the Montagu-Chelmsford Report on the theory of complete separation of the resources of the Central and Provincial Governments. In no country in the world in the history of federal and provincial finance has it been found possible to achieve a clean cut between provincial and central revenues. Wherever complete separation has been aimed at as in India, it is found that subsidies or contributions are required.

9. Bombay's main grievance against the Meston Settlement, which has been loudly voiced from the beginning, is that under it the Government of India took over all the growing heads of revenue, more particularly income-tax, and gave the Presidency all the growing heads of expenditure. As Sir Basil Blackett has said, the kernel of the complaint of Bombay and Bengal is that their revenues are not sufficiently elastic. The Meston Committee rejected the claim of Bombay to a share of the income-tax on the ground that they "do not apprehend that the richer provinces, such as Bombay, will be seriously handicapped in the administration of their own finances"; and they appended "some figures which indicate that several of the provinces, and Bombay in particular, may look for reasonable elasticity which will in most cases be encouraged by judicious capital outlay." In these figures they compared the revenue under the proposed individual heads of the year 1912-13 with the year 1920-21 and found that in these eight years Bombay had increased—

its Excise Revenue by 102 per cent.  
its General Stamps by 119     "  
its Land Revenue by 32     "  
and

all Provincial revenue by 52     "

whereas the increase in other provinces varied from 11 to 35 per cent. It was thus on an assumed annual increase of 12½ per cent. in Excise, 15 per cent. in General Stamps, and 4 per cent. in Land Revenue that they based their conclusion, that Bombay in particular may "look for reasonable elasticity in their revenues apart from income-tax."

10. The four statements A, B, C and D contained in the Appendix to this Memorandum show the extent to which the actual realisations have fallen short of the anticipations of the Meston Committee. The figure up to the end of 1927-28 is Rs. 20.8 crores. Figures for 1926-27 can be taken as final, those for 1927-28 are the revised estimates, while those for 1928-29 are Budget figures. These figures and any others contained in this Memorandum and in the Appendix can be substantiated by a reference to Government publications.

The selection of two single years as the basis of important conclusions vitiated the whole argument. The datum line selected was a year of famine when the land revenue had fallen by a crore and a half. Hence the erroneous conclusion that land revenue would go on expanding at the rate of 4 per cent. per annum. In the case of excise the period considered by the Committee included an important change of system from fixed fees to auctions which led to a sudden large increase of revenue which could not possibly be repeated. The Committee's expectations regarding stamps were equally erroneous as they were based upon the boom years following the war. As a result of their erroneous premises the Meston estimates of the expansion of the Bombay Provincial revenues were utterly wide of the mark.

11. The Meston Committee refer to the high scales of expenditure in Bombay. The statements marked E and F in the Appendix give the expenditure in Administrative Departments in the five major provinces for the last two years available. The figures for Bombay are high, but they do not compare unfavourably with those of Madras. It must be remembered that industrial expansion and the growth of a wealthy class involve the maintenance of expensive administrative services for education, medical relief, sanitation, police, housing, urban development, etc. Factory inspectors and a labour bureau have to be maintained in connection with industries which finance the Government of India and not the local Government. The wealthy classes which contribute handsomely to the Imperial Government and are its main prop in its Indian loan operations are, from the revenue point of view, untouchable classes for the Bombay Government. The needs of the local administration, which are clamant, have to be met from land revenue which is not merely inelastic, but liable to the vicissitudes of famine, from the profits of an unpopular trade in alcohol and from the receipts from stamps and a few minor heads where the prospects of expansion are trifling. It is not reasonable to expect the poor cultivators of the Presidency to contribute a large portion of the funds required for the education of the industrial artisan classes, for the medical relief of those classes and for the maintenance of law and order amongst the mixed populations of the large industrial cities.

12. Some indication of the amount of revenue contributed by the two industrial provinces to the Central revenues, compared with an agricultural province like Madras, is afforded by the collections of income-tax for the year 1925-26 (the latest account year for which figures are available):—

		Income tax and Super-tax receipts Rs. per head in 1925-26                      of (Lakhs of Rs.)                      population.	
Bombay	...	350.5	1.8
Bengal	...	593.6	1.3
Madras	...	141.4	0.3

Again, as regards provincial taxation, Bombay taxes itself more highly than other provinces. Provincial taxation per head of population in 1925-26 was as follows:—

		Rs.
Bombay	...	6.1
Bengal	...	1.9
Madras	...	2.9
Burma	...	5.8

Despite the high rate of taxation for the past three years Bombay has been living on its accumulated balances and a deficit is anticipated for the current year. The financial position of this province, compared with that of the other major provinces, is shown in the statement marked G.

13. Devolution Rule 15 was introduced in order to alleviate some of the defects of the Meston Settlement by granting to the Provinces some share in the growth of revenue from taxation on incomes so far as that growth was attributable to an increase in the amount of income assessed. It took as a datum line the exceptional boom year of 1920-21 and has notoriously failed in its working. In the result Bombay has received no share in income tax since the year 1922-23, when it merely received Rs. 3 lakhs.

14. The Indian Taxation Enquiry Committee were specifically instructed that it was not within their province to revise the Meston Settlement and they therefore made no concrete proposals in that behalf, but they clearly realised that Devolution Rule 15 had conspicuously failed to alleviate the inequalities of the Settlement and their lucid examination of the subject deserves close study. The Taxation Enquiry Committee were instructed to indicate the theoretically correct distribution of taxes between Imperial and Provincial and to advise on the operation of Devolution Rule 15. In regard to the latter they found that it had failed in its object and had resulted in giving bonuses to individual provinces on a haphazard basis. They rejected the suggestion that the rule should be amended by adopting a different datum line because they considered that the whole system of dividing income tax on the basis of a datum line was unsound. They pointed out that income tax in the commercial provinces depends largely on the main industries, in Bombay on cotton, in Bengal on jute, in Assam on tea and in Bihar and Orissa on coal and

## BOMBAY CHAMBER OF COMMERCE. MEMORANDUM ON MESTON SETTLEMENT. [Continued.]

minerals, that the periods of prosperity and depression of these do not necessarily synchronise, and that any datum line common to all provinces would consequently give disproportionate results as between the industrial provinces themselves.

15. The Taxation Enquiry Committee examined the possible methods of dividing income tax, and they reached the conclusion that the most satisfactory means of determining the share of the different provinces was to make over the proceeds of a basic rate on personal incomes graduated proportionately to the general rate, to which should be added a small proportion of the receipts from the corporation profits tax (if any).

16. In regard to the question of the theoretically correct distribution of taxes between central and provincial, the Committee recommended, apart from a transfer to the provinces of a share of the income tax, the transfer of non-judicial stamps and the excise duty on country-made foreign liquors, and possibly the revenue now derived from excise opium, to the Central Government. The Chamber's experience goes to confirm the wisdom of these recommendations. In 1926 the Chamber had occasion to refer to the present unsatisfactory system of taxing liquor which resulted in unhealthy competition between Central and Provincial Governments. They said then that the ideal solution of the difficulty would doubtless be to credit all duty on foreign liquor, whether country-made or imported, to the Central head, but that excise, being a transferred subject, they presumed it was outside the range of practical politics until the Reforms came up for revision when equilibrium could be established by the transfer to the Provinces of a compensating source of revenue. Another argument in favour of removing excise on liquors from the Provincial sphere is to be found in the fact that the Bombay Government have accepted total prohibition as the ultimate goal of their excise policy. The net loss, including the cost of extra preventive staff, which the achievement of this goal would involve has been estimated by an authoritative body at Rs. 6 crores, or nearly half Bombay's present annual revenue. Prohibition would seem to be impossible of realisation for some time and Government have recently issued a notification recognising that the path is beset with difficulties which for the present are insuperable and resigning themselves to a policy of cautious rationing. Apart from the financial aspect prohibition could hardly be made effective in one province alone if the others refused to come into line, and the present would therefore seem a favourable opportunity for transferring excise to the Central Government, who would be in a better position to direct the general lines of advance, as demanded by public opinion, towards a reduction of the liquor and drug traffic.

17. The Taxation Committee emphasised the desirability of re-transferring stamp duties to the Central Government; an instance of the inconvenience of the present system recently came to notice. The imposition of a tax on patent medicines was one of the recommendations of the Taxation Committee and, inspired doubtless by a laudable desire to assist stricken provincial revenues, the Government of India ruled that this should be levied as a provincial tax. The Government of Bombay appointed a Committee to examine the practicability of levying the tax and the ways and means of collecting it. The Committee's deliberations have not proceeded very far, but it is understood that they have served mainly to emphasise the difficulties in the way of imposing such taxation provincially since it is obvious that the tax will be largely evaded by smuggling unless it is an all-India one; and it is not improbable that what has proved in other countries a lucrative source of revenue will have to be abandoned because stamps are at present credited to the Provincial instead of the Central head.

18. The Financial Relations Committee expressed a doubt whether it would be possible permanently to exclude local Governments from some form of direct taxation upon the industrial and commercial earnings of their people. But they were obsessed by the bogeys of divided heads and doles which had wrought evil in the past and they were bent on a clean cut. The

system they devised has broken down in practice. The Reforms Enquiry Committee reported that practically every Provincial Government had entered a protest against the Meston Settlement and had expressed the opinion that it should be revised as soon as a favourable opportunity occurred.

19. If the Provinces were given a reasonable share of income-tax, as a right not as a dole, they would be in a position to forgo the unsuitable sources of excise and stamps, their revenues would acquire the necessary resilience to enable them to devote themselves to the great nation-building schemes of which there is such urgent need and they would not be forced to resort to expedients for raising revenue such as the entertainments tax which belongs more properly to the Municipal sphere. At the same time the Municipalities, relieved of the encroachments of the Provincial Government, would not be driven to such noxious and uneconomic devices as non-refundable terminal tax.

20. As already stated, it was not within the Taxation Committee's functions to suggest a detailed revision of the settlement between the Government of India and the Provinces and they left the application of the principles suggested by them to some other body. Those principles appear to be conceived on sound lines; the success of the labours of the Statutory Commission will depend very largely on their ability to evolve therefrom a practical scheme of financial relations between the Central and Provincial Governments.

21. In conclusion, the Committee desire to emphasise most strongly that while the Meston Settlement gave Land Revenue to the Provinces, it took Income-tax from the Provinces, and yet treated the resulting surplus revenue in the agricultural provinces as if it were the provinces' own revenue. It is contended that Income-tax is the industrial counterpart of Land Revenue. In asking for a share in Income-tax receipts Bombay does not ask so much for immediate financial advantage as to be assured of a source of revenue which can be trusted to expand steadily in proportion to the constantly increasing cost of the administration.

22. The Committee would have liked to have summarised for each province the taxation imposed within each province and to have shown the proportion of the total taxation which goes to the Central Government and the proportion retained for Provincial purposes. The Committee would have liked to have done this because it is felt that the proportions as between different provinces would prove to be most uneven. But it is realised that this is a complicated matter and one which will be better undertaken by a tribunal unconnected with any particular province.

23. Income-tax may be taken as illustrative of the complication. The collections in a province do not represent only the tax on the income of the province in which it is collected but on income earned in other parts of India. Certain taxes may be considered on the border line, that is, it may be doubtful whether they should be classed as provincial taxation or not.

24. Now that the revenues of the Central Government are sufficient to meet the expenditure of the Central Government without requiring any contributions from the Provinces, the Committee consider it may be possible for financial experts so to adjust the Central Revenues as to enable industrial provinces to get a reasonable share of their Income-tax Revenue. If, however, the Central Revenues so adjusted prove insufficient the Committee are of opinion that the question of extending Probate Duties should be taken in hand as recommended by the Taxation Enquiry Committee (paras. 352 *et seq.*). The Chamber has repeatedly urged the desirability of introducing into India duties on inheritance and expressed approval of the recommendations of the Taxation Enquiry Committee in this behalf, with the proviso that the scale suggested might with advantage be steepened. The Committee considers that death duties should be centrally administered and should be a Central source of revenue. This is in accord with their recommendations in paras. 16 and 17 *supra* that General Stamps should be centralised. It is submitted that in the adoption of these suggestions lies a practical solution of the problem of compensating Central revenues for reduced receipts from Income-tax.



## BOMBAY CHAMBER OF COMMERCE. MEMORANDUM ON MESTON SETTLEMENT. [Continued.]

## Appendix—continued.

## STATEMENT E.

Expenditure in Administrative Departments in 1926-27.

(Lakhs of Rupees.)

	Madras.	Bombay.	Bengal.	U.P.	Punjab.
General Administration ... ..	230.0	222.9	123.7	133.7	107.4
Administration of Justice ... ..	95.5	74.0	111.5	74.7	52.4
Jails and Convict Settlements ... ..	28.0	24.7	32.6	37.6	34.0
Police ... ..	187.3	167.1	100.4	164.2	108.3
Education ... ..	198.7	190.6	137.3	187.1	144.0
Medical ... ..	65.8	49.9	59.1	32.8	40.3
Public Health ... ..	30.9	20.0	34.0	22.2	22.6
Agriculture... ..	32.5	26.9	22.1	30.3	45.4
Industries ... ..	18.0	0.9	12.3	11.6	6.6

N.B.—These figures refer to administrative services only and do not include such important items of provincial expenditure as Land Revenue, Excise, Forests, Irrigation, Debt Services, Civil Works, Superannuation and Pensions, etc.

## STATEMENT F.

Expenditure in Administrative Departments in 1925-26.

(Lakhs of Rupees.)

	Madras.	Bombay.	Bengal.	U.P.	Punjab.
General Administration ... ..	219.4	223.1	113.8	130.1	98.2
Administration of Justice ... ..	93.7	71.9	107.6	70.5	50.3
Jails and Convict Settlements ... ..	29.7	25.2	30.9	34.9	31.9
Police ... ..	183.0	168.4	178.3	162.0	104.6
Education ... ..	185.6	195.2	131.3	184.4	140.0
Medical ... ..	56.1	46.7	55.9	28.9	33.0
Public Health ... ..	32.3	24.3	23.7	44.6	15.7
Agriculture... ..	28.9	26.6	19.4	26.6	36.6
Industries ... ..	15.0	0.7	11.0	10.7	7.0

N.B.—These figures refer to administrative services only and do not include such important items of provincial expenditure as Land Revenue, Excise, Forests, Irrigation, Debt Services, Civil Works, Superannuation and Pensions, etc.

## STATEMENT G.

(Lakhs of Rupees.)

	1925-26.			1926-27.			1927-28 (Revised).			1928-29 (Budget).	
	Revenue	Ex- pen- diture.	Surplus (+) or deficit (-).	Revenue.	Ex- pen- diture.	Surplus (+) or deficit (-).	Revenue.	Ex- pen- diture.	Surplus (+) or deficit (-).	Revenue.	Ex- pen- diture.
Madras	1,693	1,595	+ 98	1,684	1,582	+102	1,070	1,558	+112	1,237	1,237
Bombay	1,559	1,650	- 91	1,486	1,652	-166	1,553	1,699	- 45	1,574	1,574
Bengal	1,070	1,031	+ 39	1,050	1,071	- 21	1,078	1,103	- 25	1,094	1,094
U.P. ...	1,271	1,301	- 30	1,290	1,285	+ 5	1,283	1,171	+112	1,247	1,247
Punjab	1,266	1,108	+158	1,171	1,232	- 61	1,242	1,207	- 35	1,242	1,242

Note.—The Bombay figures are inclusive of Development Department Expenditure.

POONA.

Dated, 18th October, 1928.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION, AND OF THE CENTRAL AND BOMBAY PROVINCIAL COMMITTEES.

Mr. H. G. COCKE, President of the Bombay Chamber of Commerce.

83. *Chairman.* Mr. Cocke, as President of the Bombay Chamber of Commerce you are here to support, I understand, the memorandum the Chamber has sent to the Statutory Commission?—Yes, Sir, that is so.

84. I do not propose that we should ask Mr. Cocke questions, but we will just ask him to state his views. I may only make this remark, Mr. Cocke, that we had a very interesting discussion to-day on this question, and we should be glad to have any supplementary remarks of your own. Kindly remember, as regards the general case of the Chamber of Commerce, that it is more or less arranged that we should take the main case at Calcutta. We should be glad if you would let us hear the points which are of special importance to this Presidency. I will just go through the memorandum very briefly. I may say that it was prepared by a Sub-Committee of the Chamber and also adopted by the Committee of my Chamber.

85. Has this particular memorandum been published?—Yes, sir, about six weeks ago it was published. Of course, a large part of it, I presume, has already been discussed this morning. We pointed out in para. 2 that the Meston Settlement is the economic counterpart of the Government of India Act, and in para. 3 that the position of Bombay has been particularly unfortunate, and in para. 4 (2) we state that the premises on which the settlement was founded were erroneous. I do not want to go into detail, because I know you were having the subject discussed all to-day. But, briefly put, we feel that the Meston Settlement, judged in the light of to-day, has made really a very bad settlement. I do not suggest that some other committee could have done better at the time, but still the whole complaint, so far as Bombay is concerned, is that they took two very unfortunate years in basing their progressive figures for the past eight years. Taking eight years' expectation of total progress, they estimated the annual rate of progress. The first year they took was a famine year, and the last year they took was something of a boom year. It will be perfectly obvious to anybody, I think, that the conclusions reached, as events have turned out, could not be anything but unjust to the province. Had the boom continued, there might not have been the same objection to raise. But, as events have turned out, we maintain that Bombay has particularly suffered for reasons given in this memorandum, which, I hope, gentlemen here have read. I do not want to go into any more detail.

86. Speaking personally, I am very grateful to you because the memorandum you have submitted contains two or three things which I did not previously notice. For instance, there is this useful quotation—see para. 9:—

"Bombay's main grievance against the Meston Settlement, which has been loudly voiced from the beginning, is that under it the Government of India took over all the growing heads of revenue, more particularly income tax, and gave

the Presidency all the growing heads of expenditure. As Sir Basil Blackett has said, the kernel of the complaint of Bombay and Bengal is that their revenues are not sufficiently elastic."

I am not expressing any opinion as to whether I agree with it or not, but it is a very useful quotation?—If you take an extreme case, sir, a province "A" with a very large land revenue and practically no income tax, and a province "B" with a very large income tax and practically no land revenue, it would be perfectly obvious that the settlement could not work. Unfortunately, predictions as regards progress have been falsified, and, it will be seen there has been no progressive source of revenue. As a matter of fact, from the figures of Land Revenue I have got here in Statement "A"—Actuals in col. 3—the first year showed 583 lakhs actuals, and for the last year, which was the eighth year, the actuals are only 593 lakhs. But the Meston Committee expected 805 lakhs in that eighth year.

88. I see you set out here in the first column the estimate that was made by the Meston Committee of what they hoped or expected would be the land revenue year by year right down to the present year. Then you set out in the second column what the actual revenue has turned out to be?—Yes.

89. I see that the excess of estimate over actuals is increasing, or, roughly speaking, is an increasing excess. Coming to 1928-29 you get an excess of 212 lakhs?—In the second part of paragraph 10 we have pointed out that the datum line selected was a year of famine, when the land revenue had fallen by a crore and a half. Therefore, obviously the Meston Committee based their annual progress of 20 lakhs a year on a basic factor which was very wide of the mark. That prophecy of 20 lakhs annual increase could not possibly be justified and events have proved it. That is really our great objection to the Meston Settlement in the light of events. I am not attacking the Meston Settlement at the time it was made. I simply say that those two years were carelessly taken, if I may say so, so far as Bombay was concerned.

90. They have not turned out to be a safe guide as to what would actually happen?—I think the Commission ought to appreciate the fact that they were making a very unfair or, say, a risky comparison, or a risky expectation, having regard to the two years selected, so far as land revenue was concerned.

91. I wish you would call attention to paragraph 12, which gives interesting figures showing the provincial taxation per head of population?—Yes. Those figures are certainly interesting. They first of all show that the income tax and super tax per head of population in Bombay was Rs. 1.8, in Bengal Rs. 1.3, and in Madras Rs. 0.3. As a matter of fact, the individual in the Bombay Presidency pays practically no taxation to his local Government. Ninety-five per cent. probably of his tax is income or super tax, which goes to the Central Government. It is true that he is taxed for his entertainments, and, to some extent, for his

18 October, 1928.]

Mr. H. G. COCKR.

[Continued.]

liquor, but the tax which the ordinary individual pays is very small because I think there are no heads available where he is not a landowner. He pays very heavy income tax and super tax, but as regards other items, like entertainment and probate, at the present time he pays very little. In other words, the only tax which may be looked upon as a good provincial tax for the moment is income tax, but a very large proportion of that tax goes to the Central Government and very little is retained in the province.

92. I am afraid I have not followed your last remark. If you look at paragraph 12 you go on to set out what is the provincial tax per head of population. What it seems to show is that provincial taxation per head of the population in 1925-26 in Bombay was Rs. 6.1, in Bengal it was Rs. 1.9, in Madras it was Rs. 2.9, and in Burma it was Rs. 5.8. That is the contribution to provincial taxation made by the individual inhabitant on an average. I do not quite understand how, if Bombay is at the head of the list in that way, you can say that the man who lives in the Bombay Presidency contributes practically nothing to provincial taxation? Land revenue is a very large factor there, and Excise. I was really only taxing the non-owning payers. The merchant or the professional man pays income tax and super tax to the Central Government, but he does not pay very much taxation to his own province.

93. If you mean the urban dweller I quite understand. Really it is the land revenue which has been mainly handed over to the Central Government in the form of provincial contribution. That is what I wanted to emphasise. As regards provincial taxation per head of population, Bombay shows up very well. We saw in the early afternoon that the extent of the population makes much difference. For instance, the Madras population is double that of Bombay.

Then, as regards income tax—paragraph 13—Devolution Rule 15 was brought into effect and the effect of that Rule on the income tax is shown in the Taxation Committee's Report in paragraph 524.

94. I shall try to save your time. I remember it perfectly well. It showed really that the attempt to give the provinces three pice in the rupee on any increase in assessments worked in the most utterly chance way, and that Bombay in particular, which hoped to get a good deal from it, as a matter of fact has not received anything at all for about four years.—Only for the first two years; 1922-23 was the last year. Therefore, the Meston Settlement having failed, if I may say so, from the point of view of Bombay, Devolution Rule 15 failed equally from the provincial point of view.

While on this question, Sir, as to a remedy, it has been pointed out that if Bombay wants another 50 lakhs it has to come from somewhere. Of course we have striven all along. I think the Bombay representatives in the Assembly and in the Council have striven all along, not definitely to get something more, but rather for a re-examination of the Settlement on the ground that it is unfair. It might be that Bombay might get less. I do not know. But I cannot see such a thing happening.

95. Certainly we are going to re-examine it, whether it is fair or unfair.—And, of course, it may be that three or four provinces may get something less, one or two something more. It is not a question of Bombay or Bengal. It is a question of Province A and Province B. An examination in particular may be undertaken by an independent committee. Your Commission, I understand, might have a special committee on this.

96. I quite agree. This important thing should be dealt with independently.—There are some difficult points to go into.

97. I do not think in paragraph 23 you quite take the same view as Mr. Wiles did. You take the income tax and say that the collection in a province does not represent only the tax on the income of the province in which it is collected, but on income

earned in other parts of India. Speaking as a business man with great knowledge of this kind of thing—it is the business man and not the lawyer who knows—do you think that that is so?—Undoubtedly it is, particularly so in Bengal. For instance, I believe all the taxes deducted from interest on Government securities go to Bengal. That must be very large. All taxes deducted from interest on government securities go into the Bengal figures.

98. Does it?—I am informed so.

99. I am told that that particular instance is not correct.—I have got that demi-officially from the Government of India.

100. Mr. Rama Rau says it is not. That will be a most disturbing factor, of course. Never mind about that instance. You take that view. From my knowledge of English income tax it will be very difficult to persuade me that because a tax was collected inside the boundaries of a province, it is exactly the right amount to treat as properly attributable to the province. It may be very wise to adopt a rough-and-ready rule.—I cannot give the authority. If I may read the paragraph it simply says that the tax on interest on Government securities is deducted in Calcutta. It is obvious that the tax in the case cannot wholly be attributed to Bengal.

101. What are you reading from?—I am reading from a demi-official letter which I am afraid I cannot put in.

102. Do not please read from letters which you cannot put in. I am sure you will take it that Mr. Rama Rau has been looking into it.—Another instance is this. Take the exchange banks and the Imperial Bank of India. The Imperial Bank and all exchange banks are taxed in Calcutta. That would also go into Bengal's share, although those banks have branches all over India.

103. I have had fairly close contact with the working of income tax in England—I do not claim to know anything about the Indian income tax—but I am quite certain if it is on the English model, that there is a real distinction between the place where the tax is collected and the place to which it ought for this purpose to be attributed. It may, of course, cancel out in the end or it may be right to use a rough-and-ready rule. What is the suggestion which the Bombay Chamber wants to make?—It is this. First of all the Meston Settlement is unsound, as it has been proved. Secondly, cannot financial experts so adjust the existing revenues, provincial and central, in a more equitable way; in other words, if there is not enough to go round—for instance, if you take Rs. 30 lakhs from Province A and give to Province B and that is going to cripple Province A, Province A will require another 30 lakhs. If the suggestion was that all other heads of income proved extremely low at present, are there other heads which could undoubtedly be developed by the Central Government, particularly probate duties which the Bombay Chamber has emphasised several times? It is brought out clearly in the Taxation Committee's report.

109. Dr. B. R. Ambedkar: Please refer to para. 16. I think your Chamber is in favour of transferring Excise to the Central Government?—Yes; they consider that would benefit the local Government in carrying out the policy of prohibition or at least in reducing the consumption of liquor.

110. And also because it will do away with the unhealthy competition between the Central and the Provincial Governments?—Yes.

111. Sir Hari Singh Gour: You stated that, as regards provincial taxation, Bombay is taxed more highly than several other provinces, and you gave the provincial taxation per head of population in 1925-26 as being 6.1. What was the income per head?—I have not got the figures here.

POONA.

Dated, 18th October, 1928.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION, AND OF THE CENTRAL AND BOMBAY PROVINCIAL COMMITTEES.

Mr. H. G. COCKE, President of the Bombay Chamber of Commerce.

So, Mr. Cocke, as President of the Bombay Chamber of Commerce, is here to support, I understand, the motion submitted to the Statutory Commission—Yes, Sir, that is so.

84. I do not propose that we should ask Mr. Cocke questions, but we may put a few to him to clear up some points. I may only make this remark, Mr. Cocke, that we had a very interesting discussion to-day on the question, and we were all glad to have any supplementary remarks of your own. I really think, Sir, as regards the general case of the Chamber of Commerce, that it is more or less arranged that we should take the main case at Calcutta. We shall be glad if you would not leave it completely without a single outline reference to this Presidency. I may say that it was prepared by a Sub-Committee of the Chamber and adopted by the Committee of the Chamber.

85. Has this part, which was recently been published? Yes, Sir, about six weeks ago it was published. Of course, a large part of it, I presume, has already been discussed this morning. We pointed out in para. 2 that the Meston Settlement is the economic counterpart of the Government of India Act, and in para. 3 that the position of Bombay has been particularly unfortunate, and in para. 4 (2) we state that the premises on which the settlement was founded were erroneous. I do not want to go into detail, because I know you were having the subject discussed all to-day. But, briefly put, we feel that the Meston Settlement, judged in the light of today, has made really a very bad settlement. I do not suggest that some other committee could have done better at the time, but still the whole complaint, so far as Bombay is concerned, is that they took two very unfortunate years in basing their progressive figures for the past eight years. Taking eight years' expectation of progress, they estimated the annual rate of progress. The first year they took was a famine year, and the last year they took was something of a boom year. It will be perfectly obvious to anybody, I think, that the conclusions reached, as events have turned out, could not be anything but unjust to the province. Had the boom continued, there might not have been the same objection to raise. But, as events have turned out, we maintain that Bombay has particularly suffered for reasons given in this memorandum, which I hope, gentlemen here have read. I do not want to go into any more detail.

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103. I have had fairly close contact with the working of income tax in England—I do not claim to know anything about the Indian income tax—but I am quite certain if it is on the English model, that there is a real distinction between the place where the tax is collected and the place to which it ought for this purpose to be attributed. It may, of course, cancel out in the end or it may be right to use a rough-and-ready rule. What is the suggestion which the Bombay Chamber wants to make?—It is this. First of all the Meston Settlement is unsound, as it has been proved. Secondly, cannot financial experts so adjust the existing revenues, provincial and central, in a more equitable way; in other words, if there is not enough to go round—for instance, if you take Rs. 30 lakhs from Province A and give to Province B and that is going to cripple Province A, Province A will require another 30 lakhs. If the suggestion was that all other heads of income proved extremely low at present, are there other heads which could undoubtedly be developed by the Central Government, particularly probate duties which the Bombay Chamber has emphasised several times? It is brought out clearly in the Taxation Committee's report.

\* \* \* \* \*

109. *Dr. B. R. Ambedkar*: Please refer to para. 16. I think your Chamber is in favour of transferring Excise to the Central Government?—Yes; they consider that would benefit the local Government in carrying out the policy of prohibition or at least in reducing the consumption of liquor.

110. And also because it will do away with the unhealthy competition between the Central and the Provincial Governments?—Yes.

111. *Sir Hari Singh Gour*: You stated that, as regards provincial taxation, Bombay is taxed more highly than several other provinces, and you gave the provincial taxation per head of population in 1925-26 as being 6.1. What was the income per head?—I have not got the figures here.



18 October, 1928.]

Mr. H. G. COCHRAN.

[Continued.]

112. In order to judge the comparative high rate of taxation, do you not think it is necessary to find the income per head of population? That is a different question. The taxation per head is one matter, expenditure per head is another matter, and income per head is yet a different thing.

113. But does not taxation per head bear any relation to the income per head? It undoubtedly would, I suppose.

114. In paragraph 16 you say that the Bombay Government have accepted total prohibition as the ultimate goal of their excise policy. How far do you think the reduction in excise income is due to their accepted goal of the Government? I am afraid I could not

answer that; I am not in touch with the administration of excise.

117. Sir Arthur Froom: The Bombay Chamber, you said, includes some European firms, some Indian firms and a few other concerns, and I think you informed the Chairman that this Memorandum has been published? Yes, it has been published.

118. Would you tell us whether you received any adverse criticisms on the Memorandum?—No, none at all.

119. So I think we could take it that it has been received with unanimous approval throughout Bombay by all communities?—I think so, undoubtedly.

## Statement of the Sardars' and Inamdars' Central Association, Bombay Presidency.

### *The Representative System as Applied to British India.*

#### *Basis of Franchise.*

1. The basis of franchise consists in having an interest in the nation. The principal interests are:—

1. General interests, including agriculture.
2. Special interests, consisting of
  - (a) Aristocracy and big land-holders;
  - (b) University;
  - (c) Commerce;
  - (d) Labour, and
  - (e) Industry.

#### *General Constituency.*

2. So far as the general constituency is concerned, the present system based on the payment of a requisite amount of assessment is satisfactory. The basis of franchise in cities also is satisfactory. But this Association is strongly of opinion that the educated classes ought to have a vote in the general constituencies whether they pay any assessment or not, and we think that all persons who have passed the matriculation or entrance or any equivalent examination of any university should have votes for the local councils, while all graduates and all persons practising as pleaders on the authority of Sanads granted by the chartered High Courts as well as all registered medical practitioners should have votes for the Assembly. Except for these additions we think that no change is necessary, nor do we think that the franchise need be widened at present.

#### *Special Interests.*

3. Aristocracy or Sardars and Inamdars who are popularly styled as "landholders," or landed aristocracy.

The landed aristocracy of the Bombay Presidency is an important part of polity from times immemorial. It founded empires, led armies, and was principally responsible for the civil administration. It formerly wielded and still wields a great influence in society. It is in no way inferior to any other class in respect of education and culture, and has not been slow to move with the changing times. This class has the special advantage of coming into direct contact with the villages, for the development of which no class is better fitted. In paragraph 147 of the Montagu-Chelmsford Report it is said:

"The natural and acknowledged leaders in country areas are the landed aristocracy. They generally represent ancient and well-born families and their estates are often the result of conquest or grants from some mediæval monarch. By position, influence and education they are fitted to take a leading part in public affairs. Some of them are beginning to do so, and our aim must be to call many more of them out into the political lists."

This quotation is given to bring to the notice of the Commission prominently that the framers of the Report intended to lay down as a matter of policy that this class should be given proper facilities to play their part in the new order of things.

4. The interests of this class are extensive. In the Bombay Presidency proper (exclusive of Sind) this class holds 2,076½ villages as alienated, the total number of villages being 20,834½. The net revenue of the alienated villages and lands is Rs. 1,07,13,995, the land revenue of the Government villages being Rs. 4,20,15,007. Thus it can be roughly said that Sardars and Inamdars hold one-tenth of the number of Government villages, and hold one-fourth of its land revenue.

5. The tenures, culture and political education of Sind being entirely distinct from that of the Presidency proper, our Association has restricted its activities to the aristocracy of the Presidency proper, and we are not going to offer any remarks about Sind and Sind landholders.

6. Having described the interests of our class and their extent, we proceed to trace the history of representation accorded to this class in the legislatures.

7. Since 1861, one person from our class was being nominated in the Bombay Legislative Council till the year 1892, when there was a change in the constitution of the legislatures. Elective principle came in, and one seat was reserved to be elected by the Deccan Sardars only for the Bombay Council. The order of Sardars of the Deccan is a creation of the Political Department of the Bombay Government, and the inclusion of any person in the list of Sardars depends exclusively on the sweet will of the Bombay Government. Thus the Inamdars, many of whom have interests much larger than those of many of the Sardars, remained unrepresented. The order of the Sardars of Guzerath was created about the year 1903 and the Morley-Minto Reforms provided one more seat for them in the local council, the Inamdars, who constitute the main bulk of the landed aristocracy, remaining unfranchised. Reforms of 1909 went further and the landholders of the Bombay Presidency were given a seat in the Central legislature, which was alternately shared by the landholders of Sind and Sardars of Guzerath, and landholders of Sind and the Sardars of the Deccan, the Inamdars being without votes.

8. The Sardars and Inamdars pressed their claims for special and adequate representation when Rt. Hon. Mr. Montagu came to India in 1917, and waited upon him and His Excellency Lord Chelmsford in deputation. Our Association painfully notes that for no ostensible reason the Government of Bombay opposed the claims of Inamdars, and the Government of India saw no reason to interfere. Thereupon, our Association placed their case before the Joint Parliamentary Committee when it was formed, and being convinced of the justice of our cause, they reported that

"The special representation of the land-holders in the provinces should be reconsidered by the Government of India in consultation with the local governments."

As a result of this, such Inamdars as *solely held a whole village as alienated* were included in the list of the voters for the seat for Sardars without increasing the number of seats for the land-holders.

9. We strongly complain that in spite of the expansion of the Bombay Council in 1892, in 1909 and in 1920, the Deccan Sardars and Inamdars are just in the same place as they were in 1861, when the Councils came into existence with respect to the number of their seats in it. However, we note that the claim of Inamdars for special representation at last found recognition at the hands of the Government.

10. We are not satisfied with this recognition merely. We claim *adequate representation*. Our claim for the greater number of seats does not rest merely on the extent of our interests. We are the only cultured class that come into direct contact with the village, and shall be of great use to the development of the country if proper facilities are afforded to us. The Montagu-Chelmsford report says, "The natural and acknowledged leaders in the country areas are the landed aristocracy," and they further observe in para 148 "No men are better qualified to advise with understanding and great natural shrewdness on the great mass of rural questions which will come before the provincial legislatures."

11. Our class has a large stake in the country, and by tradition we are endowed with a sense of responsibility and appreciate the difficulties of administration. The management of our estates brings us into contact with almost every department of the Government, and the presence of this class in adequate numbers will serve as a healthy check on hasty and ill-considered legislation.

12. We have persons of all castes, creeds and religions in our class, which, combined with our culture and social position, keeps us above narrow feel-











## Statement on behalf of the Provincial Conference Committee of the Sardars and Inamdars of the Bombay Presidency.

1. We present this statement on behalf of the Provincial Conference Committee of the Sardars and Inamdars.

The first Provincial Conference was held at Satara under the auspices of the Inamdars' Central Association, Satara. It was due to an idea to widen the scope of the activities of the Associations for consideration of the problems regarding the class. The Associations are restricted to members and the Conference is open to all.

The second Conference was held at Poona, under the auspices of the Deccan Sardars' and Dumaldars' Sabha, Poona. At the Conference a Resolution was passed creating a constitution and the formation of an Executive Committee. The Committee includes representatives from all the Districts.

The Executive Committee is empowered to carry on the work on behalf of the Conference. The Executive Committee decided at its meeting to present a case and appointed a Sub-Committee. The Sub-Committee drafted the statement in accordance with the spirit of the Resolutions passed at the Conferences. The draft was discussed and finally approved by the Committee on the 29th July, 1928.

The Office bearers of the Executive Committee are:

Sardar V. N. Mutalik, B.A., Ex-member of the Bombay Legislative Council. (1921-23) and Ex-member of the Legislative Assembly (1924-26) and was elected by the Deccan Sardars and Inamdars in the 1st case, and by the Sardars and Inamdars of the Presidency in the 2nd and President of the Inamdars' Central Association, Satara, and of the 1st Conference.—*Chairman.*

Sardar K.C. Mehendale, B.A., President, Deccan Sardars' and Dumaldars' Sabha, Poona.—*Vice-President.*

Shrimant Sardar Shri Jagannath Maharaj Pandit, 1st Class Sardar of the Deccan, Hony. Secretary, Deccan Sardars' and Dumaldars' Sabha, Poona, —

Shrimant Nanasaheb Mutalik, B.A., LL.B., Chairman of the Executive Committee of the Inamdars' Central Association, Satara. Shrimant R. R. Jahagirdar of Bhuyar, Secretary of the Bijapur District Inamdars' Association,

Shrimant Jayaramdas B. Desai, M.L.O., Secretary, Gujarath Inamdars' and Talukdars' Association.—*Secretaries.*

Most of the Presidents and Vice-Presidents of the different Inamdars' Associations are members of the Executive body.

The statement is mainly restricted to the Resolutions passed at the last two Conferences.

The awakening in this class may be said to have begun since the passing of the Land Revenue Code, Act V. of 1879. In 1880, Deccan Sardars' and Dumaldars' Association was started at Poona. Such Associations were subsequently formed at Nasik, Bijapur and Dharwar. The Inamdar's Central Association was formed at Satara in 1915. Similar Associations were afterwards formed in the Ratnagiri, East Khandesh, Ahmednagar, and Sholapur Districts.

2. Most of these Associations joined in the representation to the Right Honourable Mr. Montagu and His Excellency the Viceroy Lord Chelmsford in 1917. The Inamdars' Central Association submitted further memorandum to the Joint Parliamentary Committee as well as to the Franchise and Franchise Com-

The estates, owned, are in many cases the result of conquests. The custom in many places was that part of the conquests was given to the person who succeeded in winning the war. Many of the families, now classed as Sardars and Inamdars, were at one time principalities or States enjoying territorial powers, under one Government or another. In some cases they were independent princes.

The families settled new areas and helped to develop the country and were the main supporters of learning, art and craft, which flourished under their paternal care. This class is described in the famous Montagu-Chelmsford Report in paras. 147 and 148.

As can be naturally expected, this class is literate and cultured, and imbued with the powers, capacity and art of Government and possessed the Political sense to serve the interests of the Nation.

3. The Executive Committee of the Provincial Conference of the Sardars and Inamdars of the Bombay Presidency (proper) painfully notes the fact that it considers it necessary to differ from the views of a large body of the general public of this Presidency in offering this statement, when the public opinion of the politically minded section is against giving any statement before the Commission. We, however, do maintain the right of the Indians to have the preponderating voice to settle the constitution of the country, even with the existence of the preamble to the Government of India Act.

4. The Executive Committee offers a suggestion that the views of the enlightened political leaders and sections of the country should receive full consideration at the hands of the Commission, even though they may not be before the Commission in due form. The views are expressed in the debates of the Legislatures, especially in the debates of the Legislative Assembly, on various occasions. The All-Parties Conference have prepared a Constitution, embodying the demands of the public, or that section of the public which commands respect. The decision to refrain from giving any evidence before this Commission by a very large body of the politically minded public, who are really entitled to present the case of the nation, has a deep meaning and significance. It is a matter of grave importance that the whole body of politicians of all schools, should converge in views which



## STATEMENT OF PROVINCIAL CONFERENCE COMMITTEE OF SARDARS AND INAMDARS. [Continued.]

are showing keen interest in the working of the representative institution. We feel confident that the results of the working of the Reforms would have been far more satisfactory, had there been no communal feeling, and intercommunal hatred exhibited in the fields of politics. We, as the aristocracy and the landed gentry, having great stake in the country, extremely regret the communal tension. We feel that it has great pernicious effect on the development of national sentiment.

7. We think that time has come for the grant of complete autonomy for the provinces. We, however, urge that full protection for vested interests is absolutely necessary. In preparing for provincial autonomy we must be clear that we urge strongly, with all the force at our command, that Legislature should not be invested with any control or power over the administration and all measures already made by previous Governments and recognised and continued by the present British Government. The treaties or agreements with the Indian Princes, the Sanads of lands and villages given to Sardars, Inamdars and Vatahdars must remain undisturbed. The rights and privileges of the holders should not be allowed to be interfered with. The Legislatures should have no power to levy directly or indirectly any tax on lands and in cases which Government have declared as free from any ad valorem taxation. Restriction of power is absolutely necessary in such cases in the interest of the vested interests.

8. From the very beginning of the Reforms Inquiry this class is urging for the protection of vested interests in transferring power of Government to popular control. We quote a passage from the address presented to H.E. the Right Hon. Lord Chelmsford and the Right Hon. Mr. Montagu, the then Secretary of State by our Associations:

"We, the Associations humbly pray that Inamdars and Vatahdars should be allowed to enjoy undisturbed all the rights and privileges that they have been enjoying in connection with their alienated holdings, and that, in the true spirit of the Proclamation of Her Imperial and Gracious Majesty Queen Victoria of Blessed Memory, no encroachments be made upon their rights."

9. Under British Government this class has suffered most from intentional indifference of Government, and is purposely pushed back. Before the British Government was established in this part the Inamdars and Vatahdars were in full power in their villages and exercised a good deal of power, control and influence outside their villages. Besides the full rights over the land revenue they had the right to levy taxes like tolls, taxes on market places, to give licences for sale and various other minor taxes in their villages. In some cases they had a right to levy custom duties. They exercised full criminal and civil powers, though in cases the powers were limited. They exercised control over the hereditary village officers and servants and the village servants had to work for the Inamdars. They had also full revenue powers.

10. In the early period of the British Government these powers were exercised by the Inamdars. The grip was tightened very gradually and the period that followed may be said to be the dark period for this class. One by one the powers were withdrawn, the protest of Inamdars proving to be unavailing. In spite of the promises for the maintenance of dignity, rights and privileges of Inamdars and Sardars, the general trend of policy of Government came to be the curtailment of their power and influence in their own villages and in the general public.

11. This class was promised posts in higher services in all departments. Preference was shown to the candidates from this class. The tide has turned now. We are never given preference, but even suitable candidates have not sufficient chance of getting in now. The promises given in former times have been thrown to the wind.

12. We are being reduced to nonentities. With growing awakening in the class we are forced to fight

for every inch, but we have no advocates in Government or in services. We are gradually dispossessed of our control over the village officers. Every step taken in this connection is calculated to lower the dignity and undermine the influence which we hold in the country.

13. This class possesses a keen sense of duty for the welfare of the public and public duty and political advancement of the nation. Many of them have served with distinction on local Self-Government bodies and as honorary magistrates. We quote here that the famous Montagu-Chelmsford Report has said about this class. The Report has also laid down a policy to be followed with regard to this class in para. 11:-

"By position, influence and education they are fitted to take a leading part in public affairs. Some of them are beginning to do so, and our aim must be to call many more of them into public life."

These words hold good today, and we urge that this class should be offered opportunities and proper facilities to play their part in the new order of things. The policy has been laid down, but we regretfully note that it was not followed during this first period of Reforms in this Presidency.

14. *Extent of Interests.* The interests of this class are extensive in this Presidency. In the Presidency proper, exclusive of Sind, villages and lands assessed at Rs. 1,69,77,292 are alienated to this class. The land revenue of Bombay Government is, roughly, Rs. 1,30,00,000. There is scarcely any village in this Presidency which has not alienations of lands—2,077 villages out of the total number of 29,825, villages of the Presidency are wholly alienated. Roughly speaking this class holds one-tenth the number of villages and one-fourth the land revenue.

15. The alienations are distributed in the various revenue divisions of the Presidency in the following way:-

Division.	Number of alienated Villages.	Net Alienated Revenue.
Northern Division	2664	Rs. 25,49,800
Central "	1,048½	" 28,42,174
Southern "	717	" 18,20,844
Bombay Suburban Division	48	" 58,636

16. Our estates were originally tax-free. Still we contribute to the public Exchequer to the extent of about Rs. 37,00,000. This tax was imposed on us since the advent of the British rule, after some inquiries by Inam Commissions. Besides this tax called the Jodi, we also contribute to all local taxes to the extent of Rs. 25,00,000, as well as other taxes.

17. In society this class wields a good deal of influence, even in spite of the democratic currents in the nation.

18. *Representation in the Legislature.*—By a convention established since 1861, when councils came into existence, a representative from this class was nominated to the Provincial Council till the year 1892. By the reforms of the year 1892, when the representation by-election came into existence, a seat was assigned to this class, and only the Sardars of the Deccan were enfranchised to send a representative to the Legislative Council. In 1903, under the Morley-Minto Reforms, three seats were given to this class, viz.: (1) Sardars of the Deccan, (2) Sardars of the Guzarath, an Order newly created in 1903, (3) Sind Zamindars. Under the reforms of 1908 one seat was assigned to this interest on the Imperial Council, which went by rotation to Sind Zamindars and Sardars of Guzarath and Sind Zamindars and Sardars of the Deccan. The Sardars of the Deccan had no chance to send representative to the Imperial Council under the Morley-Minto reforms.

19. In the Reforms of 1919 the representation of the "Landholders" was originally kept at the same strength and for the same constituencies, but the rotation was changed. The Sardars of the Deccan and Guzarath were formed into one constituency

## STATEMENT OF PROVINCIAL CONFERENCE COMMITTEE OF SARDARS AND INAMDARS. [Continued.]

which shared the representation to the Assembly with Sind Zamindars by alternate turn. However, on representation to the Joint Parliamentary Committee the class of Inamdars was added to the Sardars of the Presidency, but the strength of the representation was kept at the original level. We represented to the Joint Parliamentary Committee about the increase in the number of our representation to the legislatures. The Joint Parliamentary Committee recommended reconsideration of the representation of the "Landholders," but the matter did not receive any further consideration.

20. Under the present Act three seats are allotted to the "Landholders" on the Provincial Council, out of which only two are for the Presidency proper, and one goes for the Sind.

21. On the Central Legislature, only one seat is allotted to the Landholders and is shared by the Sardars and Inamdars of the Presidency proper and the Zamindars of Sind. The Zamindars of Sind were given the first chance of sending one representative and in the history of the representative government in India we could send only one representative to the Legislative Assembly, although Sind Zamindars had four times to their lot. We note with regret that we are most unjustly treated in our representation to the Central Legislature. The whole class feels for this and looks upon it as an insult to the class.

22. On the Provincial Council the Deccan and the Karnatic Landholders, who formed the oldest constituency for sending a representative of the Landholders, has suffered by neglect and indifference. The largest number of Inamdars and Sardars is in the Central Division and the next largest number being taken by the Southern Division. Guzarath Sardars and Inamdars have the least number of all. Only one seat on the Legislative Council is given to the Sardars and Inamdars of the two largest divisions, while one seat is given to the Sardars and Inamdars of Guzarath, a division which has the least number of the voters and also the least number of Inam or alienated villages.

23. In other Presidencies five seats are given for the representation of the Landholders on the Provincial Councils, whereas the treatment accorded to this class in this Presidency is most unsatisfactory, as the seats allotted are only three.

24. The Landholders' Constituency is free from any idea of communal bias or feeling. Only the special interest is recognised in forming this constituency. The constituencies consist of all castes and communities and we are glad to note that there is never any jarring note due to communal feeling.

25. There is considerable growth of political education and a sense to serve the nation. Leading members of this class are not only taking keen interest in the welfare movement for the class, but many of them are serving the public cause and working for the benefit of the nation in various fields. This class has the advantage that it can afford more leisure to be devoted to politics. We are conscious that our best men are at present outshone. We admit we have made a late start in politics. We have every hope that, looking to the present progress, what is lost in time will be gained by our natural influence in the society and by the time that we shall be able to devote for the work. We feel confident that, given proper facilities and better opportunities, the aristocracy as a class will be able to wield a great healthy influence on the national political field.

26. We have our associations and provincial conferences. The deliberations are on a high level and compare favourably with the debates and deliberations in any other political body.

27. Our special advantage is that by our position as Inamdars we are able to understand and appreciate the difficulties of administration. We especially note that it is unfortunate that we are excluded from any share in the administration during the last half a century, and have been thus deprived of an opportunity to prove our capacity and ability.

28. There will be a great advantage to legislature by giving increased representation to this class. No class is better fitted to represent the rural areas than this class, as it is the only class with culture and education that comes directly in contact with the rural areas. Most of the representatives in the Legislatures come from the cities from a class that have no opportunities to know the rural areas by having direct touch with their grievances and wants, nor can they help the rural development as our class can, if opportunities are given to it. The framers of the Montagu-Chelmsford Report recognise this fact and say, in para. 148:—

"No men are better qualified to advise with understanding and great natural shrewdness on the great mass of rural questions which will come before the Provincial Legislatures."

*The Future Constitution and the Representation of this Class.*

29. We are more in favour of a Single Chamber Legislature in the Provinces. It may be noted that our representatives at the first inquiry of Reforms urged for a Second Chamber in the Provinces. The experience gained in the Central Legislature leads us to believe that Second Chambers in the Provinces will not serve much useful purpose. The reserve powers of the Governors and of the Governor-General, with the power to return a measure for reconsideration, will serve a sufficient safeguard against hasty judgment or legislation. We have grave doubts whether the cost that will have to be incurred and the time and energy that the Executive Government will have to devote for the work in the Second Chamber will be justified by the results.

30. Our considered view is that Second Chambers should not be introduced in the Provinces, provided there is adequate representation of the classes on the legislatures. In this connection we propose formation of new non-communal general constituencies with a wide territorial area.

31. We have already expressed our view that full provincial autonomy should be given. We also propose that nominations should be done away with on all representative bodies. The officials should be allowed to explain and speak in the Legislative Council but they should have no right to vote. The Ministers should be helped by Council Secretaries.

32. On the Provincial Council we urge for a substantial increase in the representation of the "Landholders." In spite of the large expansion of the number of the members of the Provincial Council, the representation of this class, and particularly that of the Landholders, Sardars and Inamdars of the Deccan and Karnatic is kept at the antediluvian period of representation. We submit that twelve seats should be assigned to this class. The seats should be distributed by Revenue Divisions or on the linguistic basis or on the basis of different tenures. We have already given the table showing the alienated villages and the alienated land revenue in different divisions. The distribution should be on the voting strength and the extent of interest. We also propose two separate seats for the Watandars, and one for the Khots, who have a distinctly separate tenure.

33. The present constituency should be enlarged in case more seats are assigned to this special interest. The present qualification for a voter in this constituency is that a person must be either a Sardar of the Deccan or Guzarath or that he must be a sole holder of a whole alienated village. Before the present Reforms the qualification was the entitlement in the list of Sardars. We now propose one of the following qualifications for a voter in this constituency.

- (1) Sardars of the Deccan or Guzarath.
- (2) Sole holder of a whole alienated village.
- (3) Holder of a share in an alienated village, the revenue of the share being assessed in the

## STATEMENT OF PROVINCIAL CONFERENCE COMMITTEE OF SARDARS AND INAMDARS. [Continued.]

records of Government at not less than Rs. 500 annually.

(4) Holder of alienated land, assessed at Rs. 500.

(5) Holder of a Sharakati alienated village.

34. As we propose separate seats for Watandars, it naturally follows that the holder of watan lands should have no right to be a voter in this constituency. We advocate separate seats for Vatandars, because the tenures on which they hold the lands are different and they are governed by a separate act called the Vatan Act. They hold the lands on the condition of rendering some services, most of which are now commuted. The Vatandars whose services are not commuted have their special grievances, and also special privileges. In case Vatandars are not recognised as a separate interest for representation, they may be treated as ordinary Inamdars.

35. Khots also are a class by themselves. They are not included in the Inamdars. This class is often attacked in the Council, and finds no advocate in the House, and their case goes by default. The House is ill-informed on this question and judges questions only on the arguments of the prosecution.

36. We have every confidence that the demand for twelve seats distributed amongst all these interests will not be considered to be unreasonable.

37. We have already stated that there should be no Second Chamber in the Provinces. If, however, it is decided to establish a Second Chamber, our view is that there should be no communal bias in that chamber and the constituencies should be non-communal. The distribution of seats should be by divisions. The constituencies should be formed to return not less than four or five members. There should be no reservation for any community. The basis of franchise should be maintained at a high level and should be based both on education and property. But provision should also be made for representation of special interests.

38. We propose that Dyarchy should be introduced in the Central Government. We are of opinion that the system is defective and cannot work well. Still as a make-shift arrangement we propose that the system should be tried in the Central Government. There are a number of departments in the Central Government which can safely be entrusted to the control and management of the Ministers, appointed from the elected members of both the Houses.

#### *Representation on the Central Legislature of this Class.*

39. The "Landholders" were never satisfied by the most meagre and inadequate representation allotted to them on the Central and Provincial Legislatures. Ever since the scheme of Reforms was out some of our Associations have expressed strongly on the point and lodged protests. We have sent memorials to Government. Our representative on the Central Legislature sent a memorial to the Viceroy to make up the injustice by nomination to the Assembly. He also urged before the Muddiman Committee that no further step in the Reforms should be taken unless the Landholders of this presidency are given adequate representation in the Legislatures. A Resolution was tabled in the Assembly but could not be moved for want of time. This class feels very strongly for the want of representation on the Assembly for three years alternately. Our Provincial Conferences have passed resolutions requesting Government to arrange for our continuous representation on the Legislative Assembly. The inconvenience is felt alike by the constituency in Sind as well as in the Presidency proper.

40. Under the present arrangement, the "Landholders" of the whole of the Bombay Presidency have one seat only, which is shared alternately by the Sind Zamindars and the Sardars and Inamdars of the Presidency Proper. This leaves one of the Constituencies always without representation on the Central Legislature, where the destinies of the country are

moulded. There is a continuous seat for the Landholders of every other province and they enjoy a continuous and unbroken representation. Sind for all purposes is practically a separate province and ought to have been treated as such for the representation of this class. There is absolutely no similarity between the Sind Zamindars and the Inamdars of the Presidency Proper. The tenures are different. The problems affecting are altogether different and even the social and political development of the two constituencies is altogether different. It is impossible that a representative of either constituency can represent the views of the other constituency. There are two or three other constituencies which have alternate representation on the Legislative Assembly. In their case the inconvenience is not felt so much as there is a great similarity of interest and views. In the case of the Landholders of this Presidency the case is different, and there is no other representative who can express the views. In fact, in the Central Legislature, our voice is completely shut up for three years. We emphatically urge that this is the greatest injustice done to us, and that this is a most anomalous position, which cannot be found anywhere in the history of representation to Legislatures. If Indian Legislature is to reflect the views of all classes, why this class should be excluded for alternate life of the Assembly passes our comprehension.

41. The system of alternate representation is a great hindrance to the political education of the constituency. It does not help to keep up interest in the general current of events. It deprives the constituencies of the highly valued privilege of a voice in the moulding of the destinies of the nation, and above all, it deprives us of the opportunity to serve the nation in the best possible way.

42. We urge and request earnestly that three seats should be given to this interest on the Legislative Assembly. The constituency should be one for the whole of the Presidency proper. We can state that even if all the major provinces are given representation for the Landholders on this scale, it will not materially affect the balance of parties in the Legislative Assembly. The Assembly will have the advantage of the views of a section which has the greatest stake in the country. It will also help the formation of a separate party, which will be able to create a healthy balance of parties.

#### *Representation on Local Boards.*

43. We are not quite sure if representation on the Local Board is within the scope of the inquiry of this Commission, and how far we will be justified in referring to it.

44. Before the Local Board Act of 1923 was enacted the Inamdars had one representative on every Local Board. That representative in most cases proved to be one of the leading members of the Board and was very useful to the Board. They occupied responsible posts on the Boards and rendered their duties creditably, and the fact was recognised on all hands.

45. A Committee appointed by the Government of Bombay in connection with the Boards, under the Chairmanship of Mr. Lawrence, now Sir Henry Lawrence, recommended that two seats should be given to the Inamdars instead of the one then existing. We were all surprised to find that in the new Bill, which is now passed into the Act, the provision for the representation of the Inamdars was dropped, and, instead of that, there came the obnoxious provision for representation for the Mahomedans, even though there was no demand for the same.

46. The local boards are really the pivot or the basis of self-governing institutions. It is the foundation and the training ground for the councils. The boards play a great part in influencing the elections. The local boards give an opportunity to come in direct contact with the villages and study first hand the grievances and the requirements of the people of the district. They give an opportunity to serve the people first hand and they can be the real places where to

## STATEMENT OF PROVINCIAL CONFERENCE COMMITTEE OF SARDARS AND INAMDARS. [Continued.]

educate the electorates. To shut away the Inamdars from these bodies is doing them great injustice. It is going directly against the spirit of the framers of the Montagu-Chelmsford Report. The aristocracy should have been given more representation on the boards, as recommended by the Committee. We feel sure that the Inamdars will be a great asset on the boards and will be able to serve the deliberations with great profit to the boards and to the general public.

Similarly, the demand on the part of the Inamdars to be the head of the Village Panchayats in their villages is most natural. No body will feel for the people in the village than the Inamdar of the village. He will always start with a paternal feeling for the people of his village. The people also have more trust in him than in the official head of the village. In fact, we claim that it is more for the benefit of the people, as well as for the development of the cordial relations of the people with the Inamdar, that it is necessary that the Inamdar should be the Surpanch of the Village Panchayat, if such a body is brought into existence in an alienated village. If it be objected that Inamdars are not residing in the villages, we are prepared to say that the statutory right to be the Surpanch should be restricted in the cases where the Inamdar is a resident of the village.

We earnestly request the Commission to make some recommendation on the point. The more the aristocracy and the gentry have opportunities to mix amongst the people the more it is beneficial to the whole community.

47. *Services.*—The position of all-India services has become peculiarly difficult and delicate under the new order. We have noted that the services have generally worked the reforms loyally and helped to make them a success. The Legislatures were treated with respect by the services.

48. We note in the first instance that there is a distinct deterioration in the efficiency of the services since the communal considerations crept in the recruitment of the Indians. We can fully understand and appreciate a recruitment on communal basis provided the qualifications are equal and up to the standard required, and the rights of the existing members of the services are not neglected or overlooked. The present way of recruitment on communal considerations has a pernicious effect on the services. Undue preference for promotion is shown, and mistakes, want of discipline and inefficiency are condoned only on communal consideration, even if they are not a passport for special promotion.

49. We urge that in future the recruitment of the all-India Services should be on condition that they have to serve under full provincial autonomy and transfer of any number of departments in the Government of India. We feel that the Public Services Commission is a sufficient guarantee to the services. Instituting of provincial public service commissions deserves consideration.

50. We urge strongly that suitable candidates from the landed aristocracy and gentry should be given a preference in the recruitment, provided candidates have required qualifications. The principle of preference has been introduced, and we claim a preference for a class which had a big share in the services and which is the most suitable class for higher services. In the past promising young men were appointed to highest posts in various departments on consideration of high birth. The reason for neglecting this class for recruitment in the services may be found in the fact that it is not a strong body in politics. We think that men with a stake in the country prove to be superior to any ordinary men in services. We have constantly pressed this point on Government. We do urge that this request should receive best consideration at the hands of the Commission. We think that the representation of this class in services is more important

than the representation of the communities in the interest of the services and of the nation.

51. We claim representation from the highest to the lower services. In all other provinces except Bombay the aristocracy is treated with much better consideration. We are up to now denied a chance of serving on the highest post in Government. We mean in the Executive Council. In other Presidencies the aristocracy has secured a seat on Government. In this Presidency the Government has yet to think and try to find out a suitable candidate from this class.

52. *Communalism and its Effects on Representative Bodies and the Council.*—We have said that recruitment based on communal considerations has led to the loss of efficiency, favouritism and discontent amongst the more efficient but less favoured class of officials. We further say that the result of the communal feeling is equally pernicious and unfortunate in local self-governing bodies and in the Legislative Councils. We are of opinion that there is a decided deterioration in the working of the local bodies, in spite of the greater interest shown by the public. Communal good is the only consideration and the sense of justice and fair play or the national good is always made to serve the second fiddle. All parties based on communal considerations cannot be expected to have the broad national outlook. It is wrong in principle to encourage this feeling or help the growth.

53. We advocate that the first necessary step is to do away with separate communal electorates and communal representation in services. If anything is demoralising in politics it is the communal consideration in services without the necessary qualifications. No new communal constituencies should be created and there should be joint electorates for the existing ones if they are to be continued with reservation of seats.

54. The necessary concomitance of any communal party is the hatred of other communities and particularly of the more advanced classes and communities. The cult of hatred is advocated openly in the Press and on the platform, and it is a pity that the conduct of authorities is always such as can be interpreted to help the growth directly or indirectly. The direct result of the reforms is a scramble of securing the votes in the Council, which has a sad aspect on the public life. This battle for securing votes has led further to emphasise and to cement the communal tension.

55. In conclusion, we submit to the Commission that:—

(1) The Commission should take into full consideration the views of the public leaders of the nation, even though the people do not offer the statement.

(2) The vested interests should be given full protection.

(3) There should be provincial autonomy and an Indian Federation, within the British Empire, with full Dominion status.

(4) Single Chamber Government will be more suitable.

(5) The Landed Aristocracy and Gentry should have adequate representation on the Councils, so that they should be in a position to influence the Councils.

(6) The communal representation should be done away with in the elections as well as in the services, as far as possible. If communal representation is to be retained the electorates should be joint and not separate.

(7) The Landholders should have representation on the Local Boards.

(8) The Inamdars should be Surpanch in the Village Panchayat if it is instituted in an alienated village.

(9) The Inamdars and Sardars should have fair representation in the services from the highest to the lower.

## POONA.

Dated, 22nd October, 1928.

## PRESENT:

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT RAJA NAWAB ALI KHAN),  
AND OF THE BOMBAY PROVINCIAL COMMITTEE.

## Deputation from the Sardars' and Inamdars' Central Association, Bombay Presidency.

1. Sardar V. N. Mutalik (President)—  
Spokesman.
2. Sardar N. G. Vinchurkar.
3. Sardar K. C. Mehendale.

4. Shri Nana Saheb Mutalik.
5. Shri P. A. Inamdar.
6. Shri Sarda Jagannath Maharaj Pundit.

1. *Chairman:* Sardar Mutalik, I understand this is a deputation from the Sardars and Inamdars of the Bombay Presidency?—Yes.

2. I think you are the President of the Central Association of Sardars and Inamdars?—Yes.

3. We have all seen the interesting memorandum which you have put forward, and we understand, I think, your general view, because you have stated it very clearly. \* \* \* As things stand at present, what is the representation of Sardars and Inamdars in the Bombay Legislative Council?—Three.

4. There are three members elected by the Sardars and Inamdars?—Two elected by the Sardars and Inamdars of the Bombay Presidency proper and one by the Zamindars of Sind.

5. For our present purposes, we are treating the Presidency as having its present boundaries. I see you have one gentleman who represents the landowners of Gujarat?—Yes.

6. Another gentleman, whom we know very well (our colleague, Sardar Mujumdar), represents the landowners of the Deccan, and a third gentleman represents the landowners of Sind. That is the situation so far as the present representation in the Bombay Legislative Council is concerned?—Yes.

7. As regards the Legislative Assembly, you have some representation there, have you not?—We have one representative, representing alternately the Presidency proper and Sind.

8. \* \* \* Is the present member from Sind or from the Presidency proper?—From Sind.

9. How is your representative in the Legislative Assembly appointed? Is he elected?—He is elected.

10. *Mr. Cadogan:* I understand that you base your claim for larger representation mainly on the consideration that you are the only cultured class that comes into contact with the village communities?—It is not the only class that comes in contact with the village people. We base our claim mainly on the fact that we form a steady influence in the Presidency. We are not carried away by the whims and exigencies of election times, and we will be the proper persons to exercise a steady influence on the Legislative Council.

11. Without going into details in regard to figures, you hold about one-tenth of the number of Government villages, and one-fourth of the land revenue?—Yes.

12. That is in the Presidency proper?—Yes.

13. On the subject about which the Chairman was speaking just now—representation on the Council—I understand you complained not only that you are inadequately represented, but of the distribution of seats in the Presidency?—That is another complaint we have, yes.

14. You complain that that distribution is wrong?—Yes.

15. I should like to get that clear. You have one seat for the Northern Division, exclusive of Sind?—Yes.

16. And you have only one seat for the Central and Southern Divisions combined?—Yes.

17. Would there be a larger number of villages in the Southern and Central Divisions combined than in the Northern Division?—Yes.

18. A very much larger number?—Very much larger.

19. What is your scheme for larger representation? How many seats do you suggest?—We have suggested twelve seats.

20. Twelve seats altogether? And how many for the Legislative Assembly?—For the Assembly we have suggested three.

21. Instead of only one, which you hold in rotation with Sind?—Yes.

22. With regard to the franchise, I understand you to say that at present only the holder of a whole village has a vote?—Yes.

23. Your suggestion is that where a village is held by a number of Zamindars they should meet together and select a representative voter. Is that your suggestion?—Yes.

24. How do you propose that should be done?—Either all the shareholders should select one representative to vote or the largest shareholder should be called on to vote.

25. *Mr. Cadogan:* My question was, how would the various holders select the representative voter?—They will select him from amongst themselves.

26. And if they cannot agree?—Then the largest shareholder will come in.

27. Are there Inamdars who hold only Inam land and not villages?—Yes, a number.

28. How do you suggest they should have the franchise?—We suggest that holders of alienated lands assessed at Rs. 500 and over should be enrolled as voters.

29. Would you be prepared to give your view as to the expediency of having a Second Chamber in the Presidency?—Our scheme does not favour the institution of second chambers.

30. Broadly speaking, you are against the principle?—Broadly speaking, we accept the principle that a second chamber would have a restraining influence, but in view of the difficulties arising from conditions in the Presidency and in the country at large, and of the time the executive government would have to devote to the work of the second chamber, we have suggested another course, which is, in effect, to have a combined chamber where the interests who would normally form a second chamber will be represented

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and exercise a restraining influence. If this is not possible we shall not object to a second chamber.

31. *Chairman*: I am not entirely clear on one point, namely, who are on the present list of voters and who choose the representative of the Sardars and Inamdars. Taking the Sardars first, who are on the voting list?—All persons listed as Sardars under the Political Department by the resolution of the Bombay Government.

32. So that the position of a Sardar, in case of doubt, is recognised and put down on the list by the authorities?—Yes, there cannot be any doubt.

33. As far as that is concerned, are you satisfied with that?—Yes.

34. That is all right?—Yes.

35. Besides the Sardars, there are the Inamdars?—Yes.

36. How is the list of Inamdars decided on?—The holders of villages are entered on the Government records.

37. And necessarily must be?—Yes.

38. In connection with revenue records?—Yes.

39. So there is no doubt as to who they are?—No uncertainty can exist.

40. Just one other question. How many voters are there in the total constituency?—Under the present arrangements, the total constituency, taking all the divisions together, is about 700.

41. You are excluding Sind?—Yes.

42. Excluding altogether the member who represents the Sind landowners, there are two others, one for Gujarat and the other for the Deccan?—There are two other constituencies, yes.

43. When you say 700 you are adding those two together?—Yes.

44. Are the numbers about the same in each?—No. The number of voters in the Deccan and Karnatak Divisions combined is about 560.

45. So that is the larger one?—Yes.

46. And the number in Gujarat?—Is about 140.

47. Are the holdings, on the average, larger in the Gujarat area?—The holdings of land are larger.

48. *Major Attlee*: Am I right in thinking that Inamdars do not pay any land revenue in respect of their Inam lands?—Originally we were not obliged to pay land revenue, but we pay a duty or tax of one-quarter of our land revenue to Government and we pay death duties also.

49. That is less than the ordinary landowner pays? You pay a quarter of what the ordinary landowner would pay?—We pay a quarter of our whole income.

50. That amounts to the same thing; if it was not Inam land it would pay four times as much as you pay?—Yes.

51. I think you pay no income tax in respect of agricultural income?—At present agricultural income is excluded from income tax.

52. On the basis that the people who want representation should pay taxation there would not seem to be very much claim from the point of view of the Inamdars. You do not pay much in the shape of taxation?—I think we are the most heavily taxed people.

53. How so?—Because the original grants of our estates were tax-free, without any land tax, but we have consented to pay one-quarter towards the public revenue. Besides that we are paying death duties, which come to 6½ per cent., and we pay local taxes also, as well as all other general taxes.

54. Setting aside the question of what happened originally, what grants were made and so on, and taking the Inamdar and comparing him with other owners of land, he gets off lightly?—He gets off lightly if you say he does not pay the assessment to the full extent.

55. Taking the landowners as a whole, you are claiming 12 seats for the Sardars and Inamdars?—Yes.

56. Do those Sardars and Inamdars work their land at all themselves?—Many of them do.

57. Do they look after their estates?—Yes.

58. What do they do for their tenants?—We do all we are empowered to do. In fact, one by one all the powers of doing good to our tenants are being taken away from us, and Government has assumed all the responsibility. The whole policy of the Government of Bombay has been to take away the power of the Inamdars to do good to their tenants and cut off any contact between the Inamdars and their tenants.

59. They remove from you all the burden of doing anything for your tenants?—Yes.

60. Why should you want special representation under those circumstances? What is your claim?—The interest we have in the Presidency proper as a restraining influence.

61. Restraining in respect of what?—The principle of having a second chamber is recognised in all legislatures, and that sort of influence could be exerted by these constituencies.

62. I suppose the members of your association are men of considerable local influence, leading opinion in their districts?—Yes.

63. Why should not they obtain election in the usual course, in a general electorate?—There is a prejudice against this class, as there always is against the big landowners; and that generally comes out at the time of elections.

64. Supposing you stood in a general constituency, you would be able to influence the general electorate and the population generally?—Not unless we accepted the party ticket for the time being; we will have no chance unless we accept the ticket, and in that case we, as Inamdars, will not be represented, for even in the Legislature we should have to work according to the ticket.

65. Has not it sometimes been found that people who ask for a special and privileged position are apt to find that that prejudices them in the eyes of the rest of the population, as you suggested just now?—I think that is the case. There is a sort of prejudice against the Inamdars. I think it exists in every country.

66. I quite agree with you; but you still think a representation, which could not, of course, be a majority representation?—We do not claim a majority in the Council.

67. You still think that sort of representation is necessary to safeguard your interests?—Yes, we think it is necessary to safeguard our interests and to give us an opportunity to serve the country, too.

68. Take the local boards. I think you formerly had a claim to one Inamdar's seat on the district board?—Yes.

69. What is there to prevent you being elected to the district board now?—We shall have to stand in a general election if we want to be elected.

70. Well, and why not?—Some of us have stood.

71. We sometimes think that elections, whatever may be their defects, are rather educative to the people who stand as well as to the people who vote?—Yes.

72. If you stand apart in a separate electorate are you not hindering the general advance of the community in which you live by keeping separate from them?—I think experience has proved the contrary. The Inamdars chosen up to now have been the best men that could be had on local bodies, and they have also helped to educate the electorates.

73. *Chairman*: May I just ask this for my information. Is there at present, or has there ever been, on the Bombay Council a Sardar or Inamdar elected for a general constituency?—Two or three have got in on the communal or party ticket; that is all.

74. *Colonel Lane-Fox*: I did not quite understand what you meant when you said the Government had taken away from the landowners their chance of helping their tenants?—In some respects we are now practically merely the receivers of land revenue. We receive it (land revenue of the villages) through another agency, that of Government, so that direct contact between ourselves and our tenants is not obtained at the present moment.

75. I do not quite understand what opportunities the Government have taken away from you. I am a

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large landowner, and I have to do a great deal and get very little out of it. I want to know how it is you are in a different position from me?—We are in a different position from yourself in respect of being holders of whole villages. Practically in your country you are the real masters of the land; you are real landlords. We are not real landlords in that respect; we only receive land revenue as settled by Government in some respects, and in other respects we receive it as you do, as holders of land. We are holders of land as well as holders of villages, and there is a difference between the two classes of Inams. In one we are in direct touch and can work for tenants. In the second, viz., as holders of villages we receive the revenue through Government agency and are cut off from the tenantry.

76. *Lord Strathcona*: You say you want 12 representatives on the new Legislative Council. On what do you base your figure of 12?—We base our figure on the expansion of the Legislative Council since 1861, and not only on that, but on the ground that there should be a sufficient number of representatives of this class in the Legislative Council.

77. *Dr. Ambedkar*: You say that you represent special interests?—Yes.

78. Can you tell me what are the special interests that your constituency would represent as distinct from the interests of the rural population?—As holders of the whole of the villages.

79. I take it that you represent property?—Yes, in a way.

80. Your interest is that you hold property?—Yes.

81. And, therefore, you want representation in the Legislative Council?—Yes.

82. I put it to you whether there are other property holders who are not Inamdars?—There are. They will have representation, and they have it, I think.

83. My point is this. If your interest is merely the interest of property, then, having regard to the fact that there are also other property holders, although they do not happen to be Inamdars, would not they represent your case, whatever your case may be, in the Legislative Council?—Certainly not. They will represent the interests of other property. Ours is a special sort of property, governed by special rules and special Acts.

84. Then your position is this: you claim representation in order to retain the privilege which you now enjoy, namely, that you enjoy property tax free? That is what you claim, is it not?—That would be only with regard to our own interest. That is one claim that we put forward for this representation, but there are other claims.

85. I am for the moment discussing the question of your special interest. Your special interest, then, is this: that your property is tax-free?—It is not tax-free.

86. To some extent it is, the Inam?—Yes.

87. While other property is not tax-free?—Yes.

88. And, therefore, there is a conflict?—To some extent.

89. And you want to have your interest represented on that account?—Yes. There are other rights also which we have—rights and privileges with regard to our villages, with regard to our property, with regard to the management of our property.

90. *Chairman*: I do not know that I understand it rightly. I did not understand that the Sardars' property was tax-free. These gentlemen are a deputation of Sardars and Inamdars: is not that so?—Yes.

91. Are Sardars a kind of Inamdars?—Sardars are not necessarily Inamdars. Let there be no misunderstanding about this tax-free holding. Let me make it clear that we are paying taxes.

92. *Dr. Ambedkar*: Yes, I know you are paying taxes, but you are not paying at the same rate as the other population?—We are paying at a higher rate.

93. Very well; that is a matter for later investigation. You are opposed to the lowering of the franchise?—I am opposed to it, yes.

94. And you are at the same time claiming twelve representatives for your constituency, as a conservative force?—Yes.

95. Do you still maintain that the retention of the existing franchise and your claim would make the Legislative Council more representative of all the classes?—I think so.

96. Do you have any representative of the tenant class, of the labouring class, as such?—There are representatives of the labouring classes. All the representatives are elected by the general constituency.

97. Do you think they represent the labourer?—They represent the tenant class, and labouring class.

98. Do you think the existing franchise of 32 rupees reaches the ordinary tenant?—Certainly.

99. You are quite certain about it, that the existing franchise of 32 rupees in the rural constituency enables the tenant class, as apart from the landlord class, to have their representatives elected to the Legislative Council?—No, most of them are the actual cultivators of the soil; but tenants are in a better position, because they take the lease of land and become entitled to vote. Most of the representatives that come from the general constituencies are representatives of the cultivators and tenants.

100. I am not using the word "cultivators," I am using the word "tenants"?—Tenants are in a better position, because their claim on entering in the voter's list is based on the rent that they give. If you take a land assessed at 4 rupees and they are paying 32 rupees as rent, they are on the voters' list, so they are in a better position, while the owner of land assessed at less than 32 rupees is not entitled to vote.

101. *Dr. Ambedkar*: On page 10, para. 27, you state that the depressed classes labour under no special disability, that their problem is a social one, and that there is an awakening in their favour?—Yes.

102. Now, suppose a depressed-class man is qualified for any particular post, and by reason of the fact that he is looked upon by society as an untouchable, and on account of that he is deprived of being enlisted in any particular post, would you not regard that as a political disability?—But I do not think a man of the depressed classes, with the necessary qualifications, is debarred from entering Government service.

103. We had an official witness who maintained that the depressed classes could not be enlisted in the police service because society looked upon them as untouchable, although they were in other respects quite efficient people?—My personal knowledge is the other way.

104. What sort of disability would you call it?—I do not think it exists.

105. Is that no disability?—I do not think there is any disability in this respect at all.

106. A man is deprived?—If he is deprived only because of his caste, I think it goes against the spirit of the Proclamation of Queen Victoria.

107. It may be, or is, a disability?—It may be.

108. *Khan Sahib Abdul Latif*: Are the majority of the Inamdars in favour of the agricultural reforms?—Many of the Inamdars are; Sardars are not generally.

109. I asked you about the majority of the Inamdars?—You must understand the difference. Sardars as Sardars have no claim to property. They may be absolutely without any landed property.

110. Is it not the case that the Sardars and Inamdars, although they are representative of the ancient aristocracy, are a class of men of decaying fortunes?—Some of them are.

111. Are they able to cope with the rising standard of living on the income they get from the villages?—Only some have to supplement their incomes in some respects by their own industry.

112. Is it not the case that the social position is not being maintained, and that, as regards political influence, their position is negligible?—I do not think so.

113. *Rao Sahib Patil*: Will you kindly tell me whether you have come to give evidence in order to advocate the cause of democracy or to protect the rights of the aristocracy?—I have come to—



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114. To defend both?—To place the case of my own class before the Commission.

115. That is, you have come to defend both democracy and aristocracy?—Certainly.

116. That is, aristocracy and democracy go hand in hand, according to you?—Yes, we have to go hand in hand for the good of the nation.

117. I know you are opposed to communal representation. You have a separate constituency of Sardars?—Yes.

118. Yet I believe you will have to accept the view that your special representation for a class is nothing but a sort of communal representation in a way?—Not in the least. Communal representation is altogether different from class representation. When I advocate class representation I do so not only for my own constituents, but also for millowners and producers, merchants and university men, Europeans and all special interests.

119. Do you agree with the view that special representation of special interests is open to the same objections as those to which separate elections are open?—You mean separate communal elections?

120. Yes?—No, I do not agree to that.

121. May I know from you what castes are included in your community?—All castes.

122. Let me know the castes. Is it three or four?—Brahmins, non-Brahmins, Marathis, Muhammadans, Parsis, Christians, and the Depressed Classes.

123. Who will command the majority so far as your class is concerned?—What is my class?

124. The advanced class?—I would say that all Inamdars are men of advanced classes, because every Inamdar is of a high social standard and generally well educated.

125. *Chairman:* You have already pointed out that properly speaking "Sardar" is an honourable title?—Yes, with certain privileges.

126. Whatever the privileges may be, it is a title?—Yes.

127. That means, apparently, that some people in this Presidency might have the title of "Sardar" though they did not own any agricultural land?—Yes.

128. There are such cases, I gather?—There are only a few cases.

129. In those cases where the Sardar has been given that honourable title, but does not own any land, is he included in the list of those who have a vote as a Sardar for the Council?—Yes.

130. The other thing I wanted to know was this. All the Inamdars, I imagine, are the holders of Inams?—Yes.

131. There are no honorary Inamdars, so to speak?—They all must own land. There cannot be an honorary Inamdar.

132. Then the last point was, which Mr. Patil brought out for us very clearly, a man may be a Sardar in the Presidency here whether he is a Hindu or a Muhammadan or a Parsi?—Yes, in fact we have all those castes, represented in the list of Sardars.

133. Lord Burnham points out to me that to put the Sardars and Inamdars together is to bring together people in a different position, because some Sardars are honorary, whereas all Inamdars are owners of land?—The fact is that there are very few Sardars who are not landowners—very, very few.

134. *Rao Sahab Patil:* I think you will have to admit that your community will command a majority of votes so far as the constituency goes?—No, it does not command a majority. The man who preceded me was a non-Brahmin.

135. I am not going into questions of Brahmin and non-Brahmin. My question is that your community will command a majority of votes—the Brahmin community?—Not necessarily.

136. What is the number of Brahmin voters so far as Sardars are concerned?—I cannot say, but I think by my calculations at the time of the elections, the majority were non-Brahmins.

137. Supposing that case was altogether reversed, and suppose that we recommend one more seat for

your constituency, represented by my honourable friend Sardar Mujumdar, would you like to give that seat for the other group of your class?—We are opposed to community representation altogether.

138. But you do not want to recommend that for the other group of your class?—No, we do not want a communal representation in our class at all. We want to stand solid.

139. Suppose one more seat is given to safeguard the interests of your class as a whole, and if you formed the majority of the voters, then would you give that seat to the other group of your class?—No.

140. *Chairman:* I gather that your inquiry is whether he would like to subdivide the landowners so that there will be, as it were, non-Brahmin landowners and Brahmin landowners, or whatever it may be, and his answer is No, he does not want to subdivide: he wants the constituency to contain both sorts.—Yes, I want a solid constituency.

141. *Rao Sahab Patil:* You are in favour of provincial autonomy?—I am.

142. Please refer to paragraph 53 on page 12. You have stated there: "While advocating provincial autonomy, we make it clear that provincial councils should have no power or control over Inams, Saranjams and solemn engagements made and sanads given by the previous governments. Where the sanads given to Inamdars provide that they shall not be subject to the increase of land tax or to any other tax, the councils should have no power to impose any tax or increase the land tax on the Inamdars, either directly or indirectly. The Council should have no power to legislate regarding the Inams and Saranjams, unless any Bill affecting the class is moved by a member elected by the Inamdars, nor should the Council have the power to attack, abrogate, or curtail an Inam." Then as you want to preserve these powers, why should you want anyone on the Council in case provincial autonomy is granted? I do not understand what interest you have to be represented on the Legislative Council?—I do not think my constituency can separate the national good from the good of a particular class.

143. You want to safeguard the interests of the poor agriculturists and that is why you want to come in?—Not only the poor agriculturist, but the nation as a whole.

144. You want the progress of the nation?—Yes.

145. And you want to progress by keeping all the powers of your class to yourself, and not vesting them in the Council?—I do not think that the old system should be disturbed at all.

146. Why do not you give the power to the Council, since you are so very fond of provincial autonomy?—In what way? Do you think that engagements entered into by previous governments should be abrogated?

147. Are you willing to transfer the very powers and control that are exercised by the Government to the control of the Legislative Council?—Well, I do not think for a time I shall be willing.

148. Whatever power or control is exercised by the Council now, are you willing to transfer that very power and control to the Legislative Council?—No, not for a time, till conditions settle down.

149. What are the reasons for that, please?—My reasons are that there is a prejudice against this class, and perhaps there may be certain legislation immediately brought forward by the Legislative Council affecting the property of the Inamdars.

150. That means, of course, that you would like your affairs to be managed, or rather controlled by the Government rather than by the Provincial Council?—No, at present the Government does not do it, and the Government are not empowered to do it.

151. Can you say that an adequate number from amongst the Hindu backward classes is returned either in proportion to their numbers or to their voting strength?—In the Legislative Council?



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152. Yes, and in the Central Legislature?—There is sufficient representation.

153. My question is this. I want to know from you whether there is an adequate number elected from amongst the backward classes in proportion to their population or their voting strength? I have not worked out the proportion.

154. What is your general impression?—My general impression is that it is easy for a member of the backward classes to come in at elections. I will give you the experience of my own district, where I know the conditions very well. My district has three seats for general constituencies, two of which are generally occupied by persons belonging to the backward communities.

155. *Rao Sahib Patil*: I want your general impression for the whole Presidency?—That is what is going on everywhere.

156. There is sufficient representation of the backward classes in proportion to their population and voting strength? You may take the enfranchised population or the population as a whole.

157. Take the enfranchised population?—I think it is in proportion to the enfranchised population.

158. There is adequate representation of the backward classes?—Yes.

159. *Syed Miran Muhammad Shah*: You wish our province to be autonomous?—Yes.

160. In order that the power of the people may be increased?—Yes.

161. And the Government should be a truly democratic government?—I want representative government.

162. What is your idea about democratic government?—Do you mean that all interests and all classes should be represented, or a particular class only?—I am against the representation of particular classes as a majority. I wish for the representation of all classes.

163. And therefore you wish that your interests should also have representation on the Council?—That is so.

164. And your interests should have not only representation but effective representation?—Not only our interests, but all classes combined.

165. But so far as your interests are concerned, you want effective representation?—Yes, combined with other interests.

166. Why do you want effective representation and not representation according to your numbers?—We want representation in proportion to our interests in the country.

167. What is your interest in the country?—My interest in the country is one-tenth of the villages and one-quarter of the land revenue.

168. Do you mean to say it should be on the basis of property? Do you mean that those who hold property should have greater representation than those with less property?—I do not claim any proportion to property.

169. But you say you should have more representation because you hold one-tenth of the villages?—If we were to take property as the basis, I should be entitled to ask for 25 or 26 per cent. seats.

170. But you want to base the franchise on property and representation on property?—I have given my schemes on the first page of our memorandum; it should be based on property, education and so on.

171. What is the number of Mohamedans who are Sardars in your constituency?—I cannot say off-hand; I think there are seven or eight in the Sardars of the Deccan.

172. Out of 900?—No, out of 111, standing on the list of Sardars.

173. Do you think a Muhammadan would ever have the shadow of a chance of being returned for your constituency?—By all means, if he is a good man; there would be no difficulty at all. Any one can represent our class, provided he has worked for

the good of the constituency. We do not make any communal differences between people.

174. You are in favour of the reparation of Sind?—Yes, provided a suitable financial adjustment is made, but for Sind I have got my own scheme, if you would like to have it.

*Chairman*: We should be grateful if you would care to send us a paper containing your own scheme for Sind, but it will help us if we deal with that when we are considering Sind as a whole.

175. *Syed Miran Muhammad Shah*: I want to draw attention to page 13, in which the witness has advocated the separation of Sind, but at the same time wants effective representation for his Hindu brethren there. I want to draw attention to his communal feeling, for he says that "before doing it" (making Sind a separate province) "the interest of the Hindu minority in it should be properly safeguarded by providing for seats in the Sind legislature."—Yes, but that is only for a transitional period. I would do away with it as soon as possible.

176. You would give it to the Mohamedans also, if Sind is not separated, for a transitional period?—Yes, they had it.

177. *Sardar Mujumdar*: What do you mean by "adequate and effective representation"?—So that it should be possible to throw some weight on one side or other of the parties in the Legislative Council.

178. What was the origin of the Deccan Sardars?—The origin was with the Mahratta Government.

179. Were they formerly Sardars of the Peshwa Government?—Yes, of the Mahratta Government.

180. Is not it a fact that so long ago as that the Sardarship was considered hereditary?—Yes, as it is even now.

181. Why is it you say the representation given to your class is not adequate? Has it been the same since 1861?—Yes, it is now the same as in 1861.

182. Can you show that by figures?—In 1861 by nomination the Government took one man from the Sardars of the Deccan, and in 1892 also there was only one man from the Sardars of the Deccan, and Karnatak. Again in 1909 there was only one seat given to them, and in 1920 the same was repeated. They return only one member, and now that the Inamdars are added they enjoy only one seat, in spite of the expansion of the Council.

183. The number of Inamdars was added since the Reforms?—Yes.

184. What taxes are levied from your class? How do they compare with other taxes on agriculturists, merchants, etc.?—One-fourth of our revenue, and in addition I think we are the only class paying death duties to Government.

185. Is it the same as succession duty?—Yes. No other class pays death duties. We also pay away one-third of our revenues in duties and we pay local taxation also.

186. Is there any Act under which you have to pay this succession duty?—Yes.

187. There is a Settlement Act under which you pay this?—Yes.

188. In para. 13 of your memorandum you state: "We have confidence that representatives of the special interests detailed in the first paragraph will be persons of balanced views, and their voting will be guided by reason and responsibility."—Yes, that is exactly our idea; it should serve the purpose of a second chamber.

189. You are referring there to the representatives of special interests, those whom you detail on the first page, at the beginning?—Yes.

190. Not only the landed classes?—Not only the landed classes, but all special interests taken together.

191. With regard to para. 23, will you kindly amplify your statement and say why you want special representation?—We want it, as I have just explained, both for the protection of our own interests and for the purpose of exercising a restraining influence on

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the Councils, i.e., for the sake of serving the purpose of a second chamber.

192. Are you aware that in other Provinces the landed constituency have more seats? In Madras, for example, they have 6; in Bengal, 5; in the United Provinces, 6; in the Punjab, 4; in Bihar and Orissa, 5; and in the Central Provinces, 3; while in Bombay you have only 3?—We have represented to Government from time to time on this very line.

193. Have you sent any petitions to the Government of India with regard to your seat in the Assembly?—Yes, I sent one, when I was a member of the Legislative Assembly, in 1925.

194. Are you primarily responsible for the local fund cess?—Yes.

195. And yet you have not got representation on the local bodies?—No, though it was on the understanding that we accepted to pay the local fund cess—that we should enjoy representation on the local boards.

196. When were you deprived of your right of representation on the local boards?—By the Act of 1923.

197. *Chairman:* There is one answer you gave just now which I do not follow. I thought I heard you say, in answer to a question from the Sardar Sahib, something about death duties. You were recounting the burden put on you, and you mentioned death duties?—Yes.

198. Is it a fact that the Sardars and Inamdars as a class pay these duties?—Succession duties mean death duties.

199. You look on it in that sense and I accept it. Is there any law which says that, because you are a Sardar you have to pay it, but that if you are not a Sardar you do not have to pay it? It is not the fact, is it, that the body you represent have a special tax of this kind imposed on them as such?—It is a special tax on the Inamdars. The tax does not affect Sardars as Sardars.

200. It is a tax which is put on succession, and in proper cases it will have to be paid whether a man is a Sardar or an Inamdar or not?—Yes, if he has any landed property. It is a tax on Inams.

201. *Major Attlee:* You have just said you are primarily responsible for paying the local fund cess?—Yes.

202. You pay it and then recover it from the tenants? The tenants repay it to you?—In some cases the tenants pay and in some they do not. The liability varies in different cases.

203. But you have the right to recover it if you can?—There is a statutory provision for recovery, the tenants are not always necessarily liable to pay. We can recover from the tenants in cases where tenants are liable, but in some cases the tenants are not even liable to pay.

204. *Sir Sankaran Nair:* You represent only the holders of alienated villages and lands?—At present the constituency represents holders of alienated villages, but we are holders of alienated villages and alienated lands also.

205. Alienated lands and villages, but you do not speak for other land holders?—No, not for the ordinary cultivators.

206. It is not only the cultivators; there may be land holders too. Have not you land holders here other than the owners of alienated villages and lands?—Yes. We own lands. We own lands apart from villages.

207. Are those lands alienated lands?—They are.

208. Leave alienated lands alone; I am speaking of lands which are not alienated. Are there not big landlords of unalienated lands in this Province?—Yes, there are many.

209. There are?—There are.

210. You do not speak for them?—We do not speak for them.

211. None of you is a landlord of lands which are not alienated?—We are. We hold unalienated lands also.

212. You hold unalienated lands also?—Yes.

213. The Joint Parliamentary Committee say in their Report: "The subject" (land revenue) "is one which probably would not be transferred to Ministers until the electorate included a satisfactory representation of rural interests, those of the tenantry as well as of the landlords." Note the words "as well as the landlords." Has this condition been satisfied in Bombay?—Yes, so far as our representation goes.

214. That is, the landlord representation?—Yes.

215. Has there been a representation of the tenantry too, as the Joint Parliamentary Committee say?—Yes, there is representation of the tenantry.

216. They say *satisfactory* representation of the tenantry. Has there been satisfactory representation of the tenantry also?—I think so.

217. I want only your opinion on this, and I am not going to press you further. Do you think that in this Province there is already a satisfactory representation of the tenantry, so that the subject can be transferred?—Yes.

218. You think so?—Yes.

219. You said you are landholders of land which has not been alienated also?—Yes.

220. If you are not familiar with it, say so at once, and I will drop it; but can you say anything about the terms of letting land to your tenants, the conditions on which they are let, or do you simply leave it to your land agents?—No, we look to the details of leasing ourselves and do not trust only our agents.

221. You inquire into the thing yourselves?—We look to it ourselves.

222. Very well. Now, according to our old custom, when lands are let to tenants, after the crops are harvested and brought to the threshing floor, first of all a share of the crops is set apart for labour and given over to the agricultural coolies, or slaves as they were in those days. Is that practice still recognised?—We pay to the village labourers, to the persons who work for the village, the village servants —

223. I did not mean the village servants; I mean those who work in the fields?—We give it.

224. You do?—If we only take a share of the crops; otherwise we leave the arrangement to the tenants.

225. Do you set it apart first, out of the crops brought to the threshing floor?—Yes.

226. You do?—Yes.

227. You do it now?—Yes.

228. Are you able to say whether the Government, in fixing the assessment, set apart a certain share for the actual labourers in the field? If you do not know, say so?—I cannot tell you definitely.

229. Then I will not pursue that matter further. After you give this share out of the crops to the labourers do you set apart a share, as you said before, for the village servants, like the carpenter, the blacksmith, and the dancing girls in the temples, and so on? Do you do that?—Yes.

230. You do that even now?—Yes.

231. Are you able to say whether the workmen in the fields are paid throughout the year, work or no work, at different rates of pay by you Sardars?—We do not pay them anything.

232. Do the farmers pay them?—There are two systems on which the farmers pay. Either they pay a share when the crops are ripe, or they pay by daily wages.

233. They pay by daily wages?—Yes.

234. When they pay by daily wages, do they pay them throughout the year?—Yes, for working days.

*Chairman:* Does "wages" mean money there?

235. *Sir Sankaran Nair:* Wages means payment in kind?—No, not payment in kind.

*Chairman:* I did not know whether the wages were money wages.

236. *Sir Sankaran Nair:* They are not. In some parts of India, to my knowledge, work or no work, the agricultural slaves are paid daily wages in kind?—Yes.

237. Of course, there are different rates. When there is no work to be done they are paid at a lower rate?—I cannot say.



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government, and should preside over the cabinet meetings." How do you reconcile the British Cabinet system with the Governor presiding?—We mean that there should be one chief Minister, and he should be responsible for the policy of the whole Cabinet.

292. But if the Governor presides over the Cabinet it will be very antithesis of the British Cabinet system. In para. 49 you say: "The Governor should call upon the leader of the party having the largest following in the Council to form his own Ministry. It will remain in power so long as it enjoys the confidence of the House." In another place you say that Ministers must come from your class, do you not?—Yes. That refers only to the present constitution. That is one of our grievances.

293. It does not apply to the future?—The future, of course, will depend on whether we command a majority in the Council or not.

294. In para. 50 you say: "No men are better qualified to advise with understanding and great natural shrewdness on the great mass of rural questions which will come before the provincial legislatures"—that is a quotation from the Montagu-Chelmsford Report—and you claim that persons from your class should have preference?—Yes.

295. How do you reconcile that para. 50 with the preceding paragraph, 49? In the one case you say the Minister should be drawn from the largest group?—Yes.

296. In the other paragraph you say he must be drawn from your class?—Yes. It is very easy. If there are two candidates who can claim to be in the same position, our man should be preferred.

297. You have not got a largest group in the Council?—I said if there are two persons who have equal following in the Council, we may be given the preference.

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305. *Dr. Suhrawardy*: Am I right in concluding that there are landholders, big and small, whose names are not included in the constituencies of Inamdars and Sardars?—Yes, holders of lands are not included in this constituency.

306. Have these people any special electorate of the kind you have got?—No; we are advocating a special electorate for them.

307. So the landholders other than Inamdars and Sardars stand from the general constituency?—Yes. Holders of alienated lands can stand for the general constituency.

308. So you do not represent on the Council the landholders' interest entirely? You represent only Inamdars and Sardars who may be even landless Sardars?—We represent the privileged classes.

309. You said that there are Sardars on the Government list who have no lands?—They are very few—one or two.

310. You have stated in your memorandum that "if the Commission unfortunately come to the conclusion to give separate representation to the Muhammadans it should be by reservation of seats in joint electorate." Supposing the Commission were unfortunately to come to the conclusion to give you a special electorate, will you be content with a reservation of seats in joint electorate?—Certainly.

311. You have no objection?—No objection.

312. Why do you want to increase representation in the Local Council? If I am not mistaken you said that in your constituency there are five or seven Mahomedans on the list of voters?—In the Sardars' list.

313. How many of them are there in the Inamdars' list?—Quite a number of them.

314. Can you give me an approximate idea?—More than 50 in a constituency of 500.

315. They are in the minority?—Yes.

316. You suggest that, if there is a good Mussalman who is capable of protecting the rights and interests of your class as a whole, he has got a chance of being returned?—Yes, a very good chance.

317. That is a mere chance. Can you tell me whether either a Mussalman or a Parsi has ever been returned?—I am sorry to say that no Mussalman or Parsi has even taken so much interest and has ever stood for election.

318. I am asking you to give me the facts?—Nobody ever came forward for election.

319. Since when do you enjoy this privilege of being returned to the Local Council?—Since 1892.

320. Through election?—Yes.

321. That is to say, even prior to the Minto-Morley Reforms?—Yes.

322. Since 1892 there has been no Parsi or Mussalman representative on the Council?—Only one Parsi stood for election in 1923 and he was not returned.

323. Your idea is that it is not the number which counts, but it is the personality?—Yes.

324. May I suggest to you that in the Local Council also it does not matter whether you have 12 or three men provided they are good men, capable of protecting your rights and interests?—No. The interests of the classes are different from those of the masses.

325. You represent the Sardars' and Inamdars' Central Association?—Yes.

326. May I take it that you do not represent the Sardars and Inamdars of the whole Presidency; I mean the proper and improper, as the Chairman put it?—We have nothing to do with Sind.

327. May I ask you whether you have got in your Association any Mussalman member?—Many. Our Vice-President is a Mahomedan.

328. In the present deputation of yours are there any Mussalmans or Parsis?—No.

329. Any non-Brahmin?—No.

330. *Rao Bahadur Rajah*: You say in paragraph 43 of your memorandum that the electorate is growing in education and understanding of public opinion. I take it that this advance is largely due to the fact that they take part in various elections and thus have frequent opportunities of getting into touch with the public opinion of the country?—Yes.

331. Do you think this qualifies an average person to an intelligent use of the franchise?—In some cases they do use intelligence in exercising their franchise, but in some cases they may not.

332. You say that the electorate is growing in education and understanding of public opinion. If so, will you kindly let me know whether you think that this qualifies the average voter to intelligently use his franchise?—Yes, to some extent.

333. You do not recommend extension of the present franchise beyond that mentioned in para. 2 of your memorandum?—I do not recommend.

334. Why?—Because I think the time has not come for that. The present electorate, though it is getting more education, still wants to be further educated.

335. You claim to be a military class?—Yes.

336. You say you still wield a great influence with society?—Yes. We are a military class in the sense that our income is due to our military exploits.

337. You are not in any way inferior to any other class in education and culture?—Yes, we are not.

338. And still you want separate electoral register for you?—Yes, because of our special interests.

339. You say that among you, are persons of all castes and creeds and religions? How many are there among the ranks of Sardars and Inamdars who belong to the depressed classes?—There are two members of the depressed classes in the constituency.

340. You recommend two seats in the Local Council to be given to the depressed classes and that by election?—Yes.

341. Will you kindly tell me how you arrive at that basis?—We have not worked out on any mathematical basis, but we think that two special seats with chances of standing for the general election are quite sufficient for that class.

342. Is it by a separate electorate or by general electorate?—I would like to have separate electorates for this class (depressed) in the beginning.

343. You take the view that Government should not interfere with social or religious matters?—Yes.

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Are you, or are you not, aware of the fact that the members of the depressed classes are denied many of the ordinary civic rights and privileges?

*Chairman:* Can we not have that point discussed to-morrow?

*Rao Bahadar Rajah:* My point is this. This point has been raised in the memorandum of the Sardars and Inamdars and I would like to get their opinion. To-morrow we are going to examine the depressed class representatives, and I do not think that it will be relevant to put to them questions on the points raised in this memorandum.

344. Are you, or are you not, aware of the fact that members of the depressed classes are denied many of the ordinary civic rights and privileges?—Perhaps there are some disabilities which existed formerly, but we are trying our best to remedy the evil.

345. Am I to understand that these disabilities do not exist to-day?—Many of them have disappeared.

346. May I mention to you some of the disabilities to make my point clear? In the first place the depressed classes are not allowed to draw water from public wells?—I may say that most of the so-called public wells are not really public wells. They are endowed by some charitable people and given to the public on certain conditions. Neither the local boards nor the Government have built them and in such cases the wishes of the donors have to be respected. But in cases where the local boards or the Government construct these wells, there is no restriction whatsoever at present.

347. Where there is any interference of the civic rights of the depressed classes would your Association assist these classes in exercising these rights?—Certainly. In fact, the position is that we count them amongst ourselves as Vatandars.

348. *Sardar Shivdev Singh Uberoi:* Your Association generally is not in favour of communal representation?—It does not favour communal representation.

349. On page 13 of your memorandum, while dealing with the separation of Sind you recommend that the separation of Sind should be made on two conditions, firstly, the financial adjustment between Bombay Government and Sind and, secondly, the proper safeguarding of the interests of the Hindu minority. Is it your view that minority communities should be given special protection?—No, the experiment with regard to Sind should be tried separately and I advocate this only for two elections, after which this safeguard may be taken away.

350. That is, for six years?—Yes.

351. For six years it is necessary that the minority community should be protected?—It is only during the transition period. We also had it in the transition period.

352. After two elections you would recommend general election?—Yes.

353. No class representation?—We are strongly in favour of class representation.

354. Even in Sind you recommend class representation after six years?—Yes, but not communal representation.

355. While you recommend representation of the landed class to which you have the honour to belong, what will become of the peasantry class? Do you

not think that they should be represented on the Council?—Yes, they are well represented at present.

356. How?—Practically the general constituencies consist mainly of peasants' representatives.

357. Similarly I understand that members of your class are in the general constituency and they can also take part in the general elections?—Compared to the numbers they are in an insignificant minority.

358. You have been good enough to mention in your memorandum something about the Council of State of which I have the honour to be a member. You say that the Council of State should be reconstituted on different lines?—Yes.

359. You also say that the present Council of State is not very popular. May I know something more about it? Why do you think it is unpopular?—I think you yourself know better about it.

360. I do not hold that view which you hold and I would like to know something from you as to why you hold that view?—We have given reasons in the memorandum itself. The general public opinion is that the Council of State does not do much business. It only sits for a short time and much of the important business is done in the Legislative Assembly and the only thing the Council of State does is to act as a drag on the Assembly.

361. You do not recommend the abolition of Council of State altogether?—No.

362. You simply recommend a change in the constitution?—Yes.

363. You recommend that it should consist of three electorates, the landholders' class, the commercial class and the graduates' class?—The electorates and franchise should be such that these classes should be returned.

364. With regard to the commercial class, anyone who pays Rs. 1000 as income tax should be an elector?—Yes.

365. How do you think this change will improve the constitution?—It will give representation to all interests, but, as we have mentioned in the memorandum, unless the Legislative Assembly is invested with more powers, the Council of State cannot function much in a useful way.

366. But this cannot be a ground for the unpopularity of the Council of State. If the Legislative Assembly has not been given more powers there must be a separate recommendation for giving more powers to them. Is it not so?—Constitution is altogether different from the unpopularity of the House.

367. How do you propose to make the House a popular one?—It should be representative of all classes.

368. Is it not so now?—The electorate is too general for all provinces, and all interests in different provinces are not returned.

369. There are advanced landholders, men belonging to commerce, men belonging to the general public and so on, and thus all classes are represented on the Council of State even now?—All Presidencies are not represented in the same way.

370. You want different qualifications for each Presidency?—Yes, different qualifications for different Presidencies.

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## Memorandum submitted by A. N. SURVE, Esq., B.A., LL.B., J.P., Advocate and Fellow, University of Bombay.

### 1. *The Representative System as Applied to British India.*

(a) *The Basis of Franchise.*—Early introduction of Universal Franchise should be the goal. Time has arrived for liberalising the franchise. The rules, as they stand at present, prevent the labouring and depressed classes from being enfranchised. In the City of Bombay Rs. 10 franchise has kept the masses, i.e., labouring and depressed classes without a vote. I suggest that Rs. 4, 2, and 1 should be the rental qualification for a vote in the constituencies of Bombay and Karachi Cities and in the rest of the Presidency respectively. In the case of depressed classes it should be still lower, say, 1 rupee in the urban and 4 annas in other constituencies. Unless they are enfranchised they will not obtain direct representation, which is essential for their all round advancement. They should be given elected representatives in the Legislature—Central as well as Provincial.

The amount of land assessment which is prescribed as a qualification for a vote should be reduced by half.

(b) *Methods of Election.*—Voting by ballot is all right, but care is required in fixing the polling day, which should be such as would enable a large body of voters to attend the polling stations, i.e., it should be when the pressure of agricultural work is least and the transport facilities are most easy. Polling stations should be located with due regard to the convenience of voters. Polling day should be declared a public holiday. Liberty of cumulative voting should be withdrawn. Voters should vote distributively, i.e., give one vote to each of the candidates of his choice.

(c) *Communal Interest.*—Communal electorates should continue if the communities concerned want them.

The Maratha and the allied castes are given reservation of seats in the Bombay Council. The present number of reserved constituencies should be doubled. Experience has shown that the Maratha caste has been able to return its representatives, therefore there is no need now for continuing the facility provided by reservation in its favour. The allied castes need protection, therefore steps should be taken for confining the benefit of the device, i.e., reservation to them (i.e., the allied castes). In order to secure representation to all the allied castes, I would even recommend rotation or reservation of a particular constituency to a particular caste, i.e., if there is a preponderance of a particular caste in a constituency, it should have the privilege of returning a member of the said caste, say, for instance, a Koli from Thana, an Agri from Kolaba, a Bhandari from Ratnagiri and a Kunbi (non-maratha) from Khandesh, and so on. The advantages of this proposal will be that all the allied castes will be able to share the benefit of reservation, there will be fewer contested elections—and be it noted that a contest deters many a deserving person from offering himself for election.

There should be reservation in favour of the allied castes in the Central Legislatures—three in the Assembly and one in the Council of State, should its existence be continued.

Reservation should also be extended to the depressed classes. They should have six elected representatives in the Bombay Council, two in the Assembly and one in the Council of State. Unless this is done, their advancement would be very slow and uncertain and they would be acting as a clog upon the early attainment of complete self-government.

*Local Interests.*—Industrial centres should possess the right of returning by election representatives of labour, two for Bombay City and one for each of the other industrial centres in the Presidency. Labour should have its elected representatives—two in the Central Legislatures as well. Liberalisation of franchise in the local self-governing bodies has given in

the Presidency appreciable increase in representation to the masses as against the classes, who formerly enjoyed exclusive representation on them. Franchise should be still further liberalised. Local bodies, e.g., village panchayats, etc., should be established for the purpose of giving education in self-government. In the Bombay City franchise for municipal corporation should be 4 rupees as against 10 in force at present.

(d) *Relationship between Representatives and Constituents.*—A representative should represent the constituency in the true sense of the word, i.e., he must voice his constituents, but in the present state of political consciousness this proposition is merely an ideal. I do not think that it is possible to enforce it by legislation. As political consciousness in the electors grows the representative will gradually become a true representative of his constituency.

(e) *Growth of Parties.*—To state my experience of the first Council (Bombay), there were no well-defined parties except the Government and the Opposition. As such, its achievements were remarkable. Much good and beneficial work was accomplished.

Second Council was marked by the formation of parties—Swarajist-Responsivists, Mahomedans, Non-Brahmins, Independents and Liberals. In the first half of its life there was co-operation with Government where possible and opposition where necessary; but, in the latter half, walkouts and sulks or vows of silence were the order of the day, which broke down all opposition and enabled Government to win easy victories.

As regards the present Council—from observation—I say that the formation and dissolution or transformation of the parties are constantly taking place. This process conduces to weaken the Opposition. And I believe Government are having very easy time. It is fortunate for the Presidency that its head and executive are not reactionary, otherwise the presence of numerous and ill-formed parties in the Council would have led to disastrous results, so far as the public are concerned.

It is hoped that with more experience the fissiparous tendency will disappear, and the Council will resolve into distinct and well-informed parties which will be able to voice the views of and safeguard the interests of the public.

(f) *Growth of Public Opinion.*—Informed public opinion is growing day by day. The increase in the number of newspapers, meetings and conferences is an unmistakable indication of this fact. Urban areas are far in advance in this respect of the rural areas. Even in the districts people have begun to recognise that they ought to have a share in the Government. It is regrettable that these activities are carried under colour of religious propaganda. Responsible leaders are aware of this tendency and they are adopting such measures as they are able to. It is hoped that in course of time people will learn to separate politics from religion.

(g) *Nomination of Officials and Non-Officials as Additional Members of Elected Bodies.*—Nomination will have to be tolerated during the period of transition. It can be tempered by giving preference to non-officials. Bombay Presidency has made considerable advance in this respect. It is hoped that in near future the small proportion of nominated members now existing will be abolished. Co-option can be substituted for nomination where necessary.

### 2. *Suitability of Existing Areas for Legislative and Administrative Purposes and for the Growth of Representative Institutions.*

(a) *Local Self-Governments.*—Local Boards, Municipalities, Notified Area Committees and Village Panchayats, where they are established, are all right for the respective areas, but, as stated elsewhere (in this memorandum), more village panchayats should be

MEMORANDUM BY A. N. CURVE, Esq., B.A., LL.B., J.P.

(Continued.)

established. The scope of their duties and responsibilities should be widened, they should be better financially protected, and—unless this is done in proportion to the abolition of executive, legislative, and administrative functions will be lost in effect.

(d) *Proposal for Delegation of Executive Functions.*—No change could be made in the Presidency which will result in the removal of the Chief Executive. It was a part of the scheme that the chief Executive functions should rest in the hands of the Governor, subject to the powers reserved by the Council. It is not, therefore, my proposal, is that the change is not well effected, but I am not against repetition of the proposal, as a whole, want it. The Ministry is not, and for its separate and independent work by the Council, as far as they are based on the Council of Ministers, it is to be continued. It will be a part of the scheme that the Council should be empowered to exercise the functions of the Council, and, if necessary, it should be separated from the Presidency.

#### 1. The Provincial Councils.

(a) *Representation.*—The allied classes and the depressed classes are not well represented in the Bombay Council. Labour and depressed classes obtained representation in the Councils of the first and second round, but only 2 for each in the third round. The allied representation thus counted in the Council. During this period the allied classes had no representation with various representation. There are the defects and exceptions have been made to the order of representation. Measures will be taken to secure direct representation for the allied classes, depressed classes and labour.

(b) *Working of the Council.*—Apparently it has worked well at present in the Bombay Presidency. Credit for the value to the sympathy of the heads of the Presidency, the Ministry of the President, and the members of the people's representatives. There is no reason to doubt that the Council have fully

supported the Ministers. Deadlocks were avoided. Bombay may be cited as an example of the good working of an essentially bad system of Government. The result is an abolished the better.

(c) *Position and Power of Governor.*—They were sparingly used, and when they were used they did not leave a sting behind. I was a victim of this power in the matter of resolutions of which I have given notice. As the resolutions passed by the Council have no more effect than mere recommendations, I think the power of veto of Governor in respect of moving resolutions in Council should be withdrawn. Same remarks apply to motions for Adjournment of Business. This power is open to abuse in unsympathetic hands.

Power of certification of a bill or of any of its clauses should not be exercised by Governor if the measure is passed unanimously or by an overwhelming majority of non-officials.

(d) *Relation of Ministers to each other and Questions of Collective Responsibility.*—Bombay Ministers were fortunate in not having to face the question of collective responsibility, as votes of no-confidence in Ministers were not carried to the bitter end, the resignation of a Minister or the question of collective or separate responsibility did not arise. I prefer collective over separate responsibility. The Ministry should stand or fall together rather than any of its individual members.

(e) *Growth of Party System in the Provincial Councils.*—My views are stated in 1 (c).

(f) *Confirmation is Reserved and Transferred Subjects.*—The sooner it is done away with the better.

(g) *Desirability of Second Chambers.*—They are not necessary or even desirable in the Provinces.

(h) *Provincial Autonomy.*—It should be given as early as possible.

This memorandum contains the personal views of the undersigned, who, if required, for examination or re-examination will be ready to tender oral evidence.

11th May 1937.

## Memorandum from Mr. S. K. BOLE, J.P., M.L.C., Bombay.

(1) The Representative System as applied to British India:—

(a) The basis of machine:—The franchise should be universal suffrage—

A male attaining the age of 21 and a female attaining the age of 25 should have the right of vote for all the legislatures, Central and Provincial, provided the usual disqualifications as enacted by the Government of India Act, 1919, should prevail.

(b) The widening of the franchise is the only solution to do away with the principle of reservation of seats, nomination of non-official members to the elected bodies, and religious constituencies now in existence and operation under the Government of India Act of 1919. The objection of the ignorance of the masses in education and politics can be well answered. The progress of education of India will always be slow and no institutions can be opened to give political education to the masses. The right of vote will teach them to know and understand that they enjoy the political freedom and it is in their hands to remedy their political grievances through their representative. If the franchise is not made universal, then the principle of reservation of seats, nominations, separate electorate and constituencies is a dire necessity and no reforms of whatever nature and character will be adequate without these things.

(c) Methods whereby particular interest, communal, local, social and economic may obtain adequate representation on local self-governing, provincial and central representative bodies.

As far as the particular interests, local and economic, are concerned, the present representation in their case is adequate, but in the cases of communal and social interests, the present arrangement requires an increase in the number of the representatives given to the communal and social interests under the Government of India Act, 1919.

Under the head communal, the thorny question of the Hindu-Moslem solution will loom largely on the dark horizon of Indian politics. I have suggested "Universal Suffrage" as the best solution of the problem, and if it is not resorted to, then India will be divided as Hindu India and Moslem India, that is what the resolutions of the Hindu Mahasabha and the Moslem League are trying to aim at, though suitable arrangements should be made to get the representatives of the minorities. Whether there be Hindus or Mahomedans in any provinces, yet the methods of joint-electorate should prevail, which may arouse in the minds of the voters, that there is some element of unification in the law of the land, which may lead to Nationalism, or he may try to be a national as this open opportunity is given to him.

Apart from the Hindu or Moslem question, the question of the backward communities or depressed communities, labour population and agricultural population requires serious attention of the British Parliament. The solidarity of the higher castes, the weapon of social ostracism which they can easily handle, makes it impossible for the backward communities to express their robust opinions, when only a small section out of them is enfranchised. Hence the need for reservation of seats to the backward communities in every province, separate constituencies for the depressed classes, special representation on the central and provincial legislature for labour and agricultural population should be embodied in the new Government of India Act.

### *Nomination of Officials and Non-Officials as Additional Members of Elected Bodies.*

The nomination of officials in the provincial legislatures should be done away with, while in the Central Legislature it should be kept so low as to ensure non-official majority as it is done in the provincial legislatures at present. While nomination of non-officials to the provincial as well as to the central legislatures should be equitable.

At present the official members help the Government in two ways: by answering the arguments of the popular side and keeping themselves in touch with a responsible criticism of the administration and secondly in assisting the Government by their block vote, in turning down any proposal that Government may not wish to pass. As it is high time to introduce full autonomy in the provincial administrations and as the ministers will be in charge of departments, they can well answer the opposition side and also there is no need of assisting the Government in turning down any issue, as the defeat of any ministry means a change of ministry and a new Government, who commands the confidence of the House.

We do not know what fate our proposal of universal suffrage will meet at the hands of the Commission, and hence it is better to err on right side and propose the non-official nomination to the provincial and the central legislatures. The present nominations to safeguard any other interests, other than the agriculture and labour should be done away with the adequate (for example, 5 seats for labour and 7 for agricultural population) nominations for these two classes of population should be recommended and embodied in the new Act.

II. The suitability of existing areas for legislative and administrative purposes and for the growth of representative institutions. (a) The settlement of areas for local self-governing bodies should be under the control of the provincial Government as it is at present and no change is required. (b) No part of British India should henceforward remain without an introduction of representative government in some form and the provinces—the North-Western Province and the British Baluchistan—be put on par with other provinces in British India in matters political. The separation of Sind and the redistribution of provinces on linguistic basis should be aimed at in the constitution and the Government of India should be entrusted with that work.

It is an anomaly in the nature of things that the people living in the same country, under the same Government and obeying the same laws should be divided in two, one enjoying all the civilised forms of government while the other should be debarred from enjoying these rights only on the plea of the geographical situation they are put in. As it is in London that the British citizen of whatever nationality, colour, caste or creed, is on the same footing with any other British citizen of the British Empire of whatever status and position, it should be in India with any Indian living in any part of the country should have and enjoy the same privileges which his brother in India may be enjoying in any part of the country.

The trend of political thought in the world is on the side of creating small self-sufficing nationalities, which may achieve fullest realisation of their political ideals without any outside interruption, and such conditions require same language and same historic traditions, the division of India in new provinces based on "one language" is ardently desired by every thoughtful Indian, and sooner it is done the better. India should be federation of nations giving fullest freedom to its component parts to develop to its fullest limits.

### *IV. The Provincial Government.*

I have already put forward the claim of provinces for full autonomy, and hence the questions of working of dyarchy, the position of ministers in relation to the members of Executive Council, the working of particular department, the classification of reserved and transferred subjects, the desirability of second chambers, do not arise. The position and powers of Governor, the position of ministers in relation to Governor, the collective responsibility of ministers are to be dealt with by themselves and by exact clauses in the new Government of India Act.

"The Treasury of the Provincial Government and the Central Government" should be separate. If the



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ex to take the place of the British force in India within a period of ten years. I do not claim the services of British troops, yet an employment of a great British force, whether British or non-British, is always an eye-sore to the extremist leaders of thought and they make much out of it even on un-  
called-for occasions. On the question of appointing Indian officers over the British troops, an argument is put forward that British soldiers will not be willing to serve under Indian officers, the same argument can be well advanced and it can be said that the Indian troops will not like to serve under British officers. Whichever be the sentiment behind the argument on the role of the British force, the same sentiment should prevail in the case of Indian forces; and we are further of opinion that the British Parliament should not want to see that the Indian forces with one stroke are to be taken over by express will the employ-  
ment of British officers over them.

The President has committed himself to a course of action which will be interpreted as a declaration of war against the Government of the United States.

2. The members of the Army, Navy and Air Force should be treated in the Governor-General in Council.

2. The Indian Army should be placed in the Government hands. In putting this claim we are making the Army independent of the British Government, and placing it on the same level as the Indian Civil Service, which cannot be employed outside India without the sanction of the Indian Legislature. The forces in India are paid by India, and hence their recruitment and movements should be controlled by India.

2. Half of the revenues of the Central Government are spent after the forces. We do not think India is able to bear such a heavy load for the times indefinite. Some way is to be found. The Indianisation of the Army is the one way, and the most effective is the establishment of territorial force and the introduction of compulsory military and naval service for the youths of the country. Two years' military and one year's naval service should be made compulsory for all males (at the age of 18 till the age of 21) and one year's naval service should be made compulsory for all males (at the age of 18 till the age of 21) and one year's Red Cross service should be made compulsory at the age of 16 till the age of 18, and the units of the standing army should be appreciably reduced so that expenditure on forces will have control. In this connection we may warn the British Parliament that their suspicious treatment of Indian people have given birth to misunderstandings, and we hope that the era of trust will be inaugurated.

*The Position of Services.*

"All services should be dependent on the Governor-General in Council. No services should claim a higher authority or an appeal to higher authority than the Governor-General in Council."

Clearly denotes that the Council of the Secretary of State has control over Indian affairs, that of the Indian Government is subordinate.

This clearly denotes that the Council of the Secretary of State, his control over Indian affairs, the recruitment of services independent of the Government are all done away with, as they are only useless but at the same time harmful to the growth of Indian representative institutions and democratic ideas.

**AFTERNOON.**

**Mr. A. N. SURVE, B.A., LL.B., J.P., Advocate and Fellow, University of Bombay**  
**and Mr. S. K. BOLE, J.P., M.L.C., Bombay.**

161. The seat that is reserved for non-Brahmins is reserved for the Mahratta and allied castes for all the non-Brahmins.

We are obliged to you for all the non-Brahmins.

Mr. Bole, you are, I

162. Chairman: (To Mr. Surve) We are obliged to you, Sir, and to Mr. Hole for coming in together because we know that you are not of quite the same view.

view. Mr. Surve, just a word to you first. Were you not a member of the Bombay Council?—In the first two Councils I was a member.

161. The seat that is reserved for non-Brahmins is reserved for the Mahratta and allied castes not for all the non-Brahmins.

165. In the same way, Mr. Bole, you are, I at present a member of the Legislative Council, you not?—Yes, Sir.

166. You are a nominated member rep  
labour?—Yes, Sir.

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[Continued.]

167. *Chairman*: Let us take Mr. Surve for a moment. Mr. Surve, when I read your document what I see you suggest is this. You say at present there are seven seats reserved for Mahrattas and allied castes?—Yes, Sir.

168. Are you one of the members?—Yes, I belong to one of the allied castes.

169. Well, now, your suggestion is that the number of seats should be increased to 14?—Yes, sir.

170. But I thought I read it in your document that you thought they should not be for the Mahrattas but for the allied castes only?—Yes, Sir; that is what I suggest.

171. That would mean 14 seats to the allied castes excluding the Mahrattas?—Yes, sir. There are only seven seats reserved at present. I ask for 14 seats. If 14 seats or a larger number of seats are given to us then the Mahrattas need not be taken out of the protection which the reservation of seats confers.

172. At present I understand there are seven seats in the Council which are reserved for non-Brahmins, and they are what are called "Mahrattas and the allied castes"?—Yes.

173. If you suggest that there ought to be 14 seats what I am not clear about is—do you suggest that the 14 seats should not be reserved for the Mahrattas strictly speaking?—They should be reserved for Mahrattas as well as the allied castes, but care should be taken to see that the latter get the benefit of the reserved seats and are not altogether excluded from them in the future as they are at present by the Mahrattas.

174. I think your view is that there should be some extension of the franchise?—Yes, Sir.

175. But you do not think that you should go to the length of adult suffrage?—Yes.

176. You suggest some lower qualification?—Yes.

*Chairman*: That, I think, gives the Conference the special views of this gentleman.

177. *Mr. Hartshorn*: (To Mr. Bole) I would like to ascertain by reference to Bombay what is your connection with labour. I understand you are a nominated member of the Legislative Council?—Yes, sir, I am.

178. Are you an official of any industrial concern?—I was a member of the Bombay Textile Workmen's Union.

179. Can you give us the membership of that union?—About 6,000.

180. Are you connected with the Trade Union Congress?—I was once the Chairman of the Reception Committee in Bombay of the All-India Trade Union Congress held in Bombay.

181. Are you still associated with them?—I am on the Provincial Committee.

182. In the document which you have sent, is it your personal opinion expressed or has the opinion you have expressed been submitted officially through the organisation with which you are connected?—It is my personal opinion.

183. So that you cannot say, can you, whether if the suggestions you made were submitted to the organised labour, there would be common agreement with them or not?—I cannot say that. But I think they would be acceptable.

184. You express the belief that the only solution is to do away with the principle of reservation of seats and nomination of non-official members and to adopt the principle of universal suffrage?—I still hold that view.

185. Has that subject ever been discussed in your Trade Union meetings?—Yes, that has been discussed.

186. And you have found fairly common agreement on that point?—Yes, common agreement.

187. Can you tell us why you have come to the conclusion that the adoption of that proposal would have solved the problems associated with separate electorates, nomination and other things which you have mentioned?—I think then every man will get the opportunity to exercise the right of voting.

188. But do you think that the Mahomedans would be prepared, if they got universal suffrage, to dispense with the separate electorates or the reservation of seats?—I cannot say about the Mahomedans.

189. But I rather gather from the opinion you have expressed in this document that the adoption of universal suffrage will solve those problems?—I think so.

190. Is it your experience that in the labour organisation your membership would be prepared to accept the adoption of that principle and give up the claim in the other directions if they got universal suffrage?—Yes.

191. Now you say if that principle is not adopted, then it becomes necessary to have reservation of seats and nomination and separate electorates and so on?—Yes, that is necessary.

192. I notice that on page 31 you say: "Apart from the Hindu or Moslem question, the question of the backward communities or depressed communities, labour population and agricultural population require serious attention of the British Parliament." There I notice you distinguish between the depressed classes and labour population?—Yes.

193. Where do you draw the line between the depressed classes and the labour population?—The depressed classes are regarded as untouchables. That is quite a distinct class.

194. I notice on page 31 you say: "We do not know what fate our proposal of universal suffrage will meet at the hands of the Commission, and hence it is better to make certain suggestions for nominations, and so on." Then you say: "The present nominations to safeguard any other interests other than agriculture and labour should be done away with and adequate (for example, 5 seats for labour and 7 for agricultural population) nominations for these two classes of population should be recommended." In this paragraph you wish to abolish nomination for all classes except labour and agriculture?—Yes.

195. In the previous paragraph you made a distinction between labour and the depressed classes?—Here I mean that capitalists as such do not want separate nomination.

196. I will make myself clearer. You have got, according to the memorandum supplied to us, in the present Legislative Council 3 nominated to represent the labouring classes and 2 those classes which, in the opinion of the Governor, are depressed. That is to say, you have 5 now for labour and the depressed classes. Now you say on page 31 that all nominations should be abolished except for labour and agriculture and you ask for 5 for labour?—What I mean by that is that at present reserved seats are given to mill-owners of Bombay and such other industrial interests in the Bombay Council. That is not necessary. That is what I say.

197. Then am I to understand that what you are asking for is 5 labour seats in addition to representation for depressed classes?—Yes.

198. You do not propose to exclude them from nomination?—No.

199. The *Chairman*: I gather that Mr. Bole would propose to get rid of reserved seats for the Mahrattas and the allied castes?—Yes, if the proposal of universal franchise is accepted.

200. Then I do not think you agree with Mr. Surve?—I do not agree. But if my proposal is accepted then his difficulty would also be solved. At present Gujarat and the province of Sind have got more representation than their proportion of population entitles them to, whilst the Marathi-speaking districts are neglected. They do not get adequate representation according to their population. If the Marathi-speaking districts and all other districts get representation on the basis of population, then this difficulty would be solved. What is required is to increase their number of members in the Bombay Legislative Council. If the number is raised to 200 then each district will get about four seats. Then if some seats are reserved for the Mahrattas and

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[Continued.]

allied castes one Mahratta may come in and other non-Mahratta communities also may get a chance.

201. *Mr. Hartshorn*: Am I to understand that it has been laid down in any official way by labour in the Bombay Presidency that what labour is asking for is first of all universal suffrage, then the complete abolition of reservation of seats, of nominations, separate electorates, and so on, but that if you failed to obtain that, then you ask that labour shall be represented by five nominated members and the agricultural population by seven?—Yes.

202. Is that an official demand put forward by organised labour in Bombay?—No.

203. That is merely your own view?—Yes.

204. That is your suggestion?—Yes.

205. Then we must take this at the moment as very largely being the opinion of yourself, and that alone?—Yes.

And I gather that you lay down the suggestion that first of all you should have universal suffrage, secondly that India should be divided up into areas on a linguistic basis and that within those areas there shall be provincial autonomy? I think that sums up pretty well what you said here?

206. *Mr. Hartshorn*: Are there any organisations connected with the textile industry besides the one in which you were an official?—Yes.

207. Will you give us the total membership of the textile workers in the Trade Union in Bombay?—Only textile?

208. Yes.—About 16,000.

209. They have not been consulted about these proposals?—No.

210. *Dr. Ambedkar*: There was one thing about which the evidence of the witness has not been correctly summarised by Mr. Hartshorn. The witness said that the number of seats in the Bombay Legislative Council should be apportioned among the different parts, Sind, Karnatak and Marathi-speaking districts, in proportion to the population. He did not say that there should be Provinces on the basis of language.—(*Mr. Bole*): No.

*Dr. Ambedkar*: His point was that there was unfair distribution.

*Mr. Hartshorn*: He said: "The trend of political thought in the world is on the side of creating small self-sufficing nationalities, which may achieve fullest realisation of their political ideals without any outside interruption, and such conditions require same language and same historic traditions; the division of India in new Provinces based on 'one language' is ardently desired by every thoughtful Indian, and the sooner it is done the better."

211. *Dr. Ambedkar*: There the witness was saying about the distribution of seats.—(*Mr. Bole*): What I say is that seats should be distributed on a population basis.

212. *Major Attlee*: I just wanted to bring out one point about your reply to Mr. Hartshorn as to the number of textile workers in the union in the City of Bombay. Of course, there are other textile operatives outside Bombay who are organised—in Ahmedabad and so forth. I have seen the figures in the official labour returns. I just wanted to make that clear. You are speaking only of the Bombay City, but not of the textile workers of the Bombay Presidency?—No.

(At this stage the Chairman vacated the Chair, which was occupied by Lord Burnham.)

213. *Rao Saheb Patil*: Mr. Surve, I think, in the interest of the backward classes, you want reservation of seats for the whole of the Presidency?—(*Mr. Surve*): Yes; but I am speaking generally for the Marathi-speaking districts.

214. My question is that you like the idea that in all the districts of the Bombay Presidency, so far as the backward classes are concerned, there ought to be reservation of seats in each and every district?—Well, that would be a desirable thing indeed.

215. It is quite desirable?—Yes.

216. In the interest of the backward classes?—Yes.

217. So I think you will like the idea that all the backward classes should be included in the Mahratta and allied castes?—Yes. And to that effect a resolution was passed only last Sunday (14th October, 1928) by the conference of the allied castes held in Poona. That resolution has been already sent to the office of the Commission. The resolution, as we passed it, was in Marathi. Its English rendering is as follows:—

Those backward Hindu castes, excepting the depressed classes, who desire to be included among the allied castes should be so included.

The exclusion of the depressed classes does not mean that we want to go against their interests. They want that separate provision should be made for them and therefore we have not asked for anything on their behalf. We are asking in this resolution only for our own interests, but we do not oppose the granting of more facilities to the depressed classes. That is the explanation which I want to give for excluding the depressed classes in this resolution.

218. So then you want more reserved seats for all the backward classes?—Yes.

219. You have said in your memorandum that there ought to be reserved seats for non-Mahratta backward classes?—Yes.

220. Of course, you wanted to safeguard the interests of the non-Mahratta backward classes?—I wanted to safeguard their interests as well as the interests of the large number of castes that are at present not included in the term "Allied Castes." The idea before my mind was about these 14 reserved seats only, but if reservation is to be extended to other backward classes and the number is not to be increased beyond 14 seats then the first preference should be given to the allied castes, which term will include, as stated by me a little before, all other Hindu backward castes also.

221. So far as Mahrattas are concerned, the non-Mahrattas can settle their difference with the Mahrattas?—Yes. We have political organisations—both Provincial and All-India—called the Non-Brahmin Conference and Congress respectively. Whatever differences we may have among ourselves can be settled in that body.

222. In short, your claim is that reserved seats should be given to all the backward classes as such?—Yes.

223. These reserved seats should also exist in the Central Legislatures?—Yes. I may as well mention that in the second and the third Legislative Assembly there was not a single person who represented the backward Hindu communities. The Maratha and the other Hindu backward communities are at present unrepresented. In the first Legislative Assembly, which was elected during the non-co-operation days, two members were returned. One got in from the Central Division and he was Mr. Bagde, and another got in from the Southern Division, and he was Mr. Latthe. But they got in only because the other advanced communities were at that time under the influence of non-co-operation. If non-co-operation had not existed then even these two gentlemen who had the chance of getting into the Legislative Assembly would never have got it. Therefore, if no arrangement is made, if no special facility is provided, then, under the existing order neither the Mahrattas nor any other backward classes will ever have an opportunity of being represented in the Legislative Assembly.

224. *Lord Burnham*: Do I understand from you that on the general list in the constituencies not a single Mahratta was returned?—Yes; no Mahratta was returned.

225. *Rao Saheb Patil*: So far as the Central Legislature is concerned not a single Mahratta was returned for the Council?—Yes. Several candidates came forward, but they were defeated.

226. So then, do you mean to say that though the number of voters of the backward classes is sufficiently large, still on account of certain influences at work they cannot take full advantage of the right of vote?

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[Continued.]

—That is so, because there are various interests. For instance, there is indebtedness, there is illiteracy, and then there is the landed interest. All the land is practically in the hands of the rich people. So practically these rich people in a way coerce their tenants to vote in a particular direction, and that is why other people get returned.

227. So then may I take it that the reservation of seats in the Central Legislature is quite essential in the interests of the backward classes?—Indeed it is so.

228. You are in favour of lowering the franchise?—Yes.

229. To what extent?—My individual idea is to lower it as far as the land assessment is concerned to half of the present limit. The present limit is Rs. 16 in the Ratnagiri district and in the other districts it is Rs. 32. I want that it should be half of that, that is, Rs. 16 for all the other districts and Rs. 8 for Ratnagiri. As for rental qualification, I want that in the urban area it should be Rs. 4 for Bombay City and Rs. 2 for Karachi City—I have said that in my memorandum—and Re. 1 for other urban areas.

230. Mr. Bole, do you agree with the views expressed by Mr. Surve?—(Mr. Bole): I agree. But I want to increase the number of seats allotted to each district.

231. *Sir Hari Singh Gour*: You, Mr. Bole, represent the labour organisation in Bombay?—Yes.

232. What is the condition of labour as regards education?—The percentage is very low.

233. What is the percentage of educated labour?—I think it might be 3 or 4 per cent.

234. Has any progress been made in literacy during the last ten years?—Yes, some progress has been made.

235. Could it amount to  $\frac{1}{2}$ ,  $\frac{2}{3}$  or, say, 1 per cent. more?—I think it might be 1 per cent. more, because it is only now that the corporation has introduced the scheme of free and compulsory primary education in some of the wards.

236. When you speak of universal suffrage, do you speak of universal male and female suffrage or only universal male adult suffrage?—Universal male and female suffrage.

237. You will enfranchise all men and women irrespective of whether they possess any property qualifications or not, whether they are literate or illiterate? Only the fact that they have attained the age of 21 years would do?—Yes, 21 in the case of males and 25 in the case of females.

238. You think that by giving a universal male and female franchise, labour is not likely to be exploited by designing people? Do you think that there will be the danger of exploitation?—In the initial stage that will happen.

239. And therefore in the initial stage it might endanger the purpose for which reformed legislature shall have been constituted?—But by that way only these men will get the proper training.

240. Will you not therefore begin by giving them universal franchise in district councils and municipalities and when they are sufficiently schooled in the art of self-government in these local bodies then extend the franchise to local councils and last of all to the Legislative Assembly. Do you not think that that would be a more logical course to follow?—I think it is no use to wait; how long are they to wait, I do not know.

242. *Sir Hari Singh Gour*: You have stated in your memorandum that you would not like any nominations?—Yes.

253. *Sir Hari Singh Gour (to Mr. Surve)*: You are in favour of provincial autonomy, Mr. Surve?—Yes, with certain safeguards.

254. Do you like to suggest any other safeguards beyond those you have mentioned in your memorandum? You have suggested, on page 7, clause (c): "I think the power of veto of Governor in respect

of moving resolutions in councils should be withdrawn. Same remarks apply to motions for adjournment of business. This power is open to abuse in unsympathetic hands. Power of certification of a bill or of any of its clauses should not be exercised by Governor if the measure is passed unanimously or by an overwhelming majority of non-officials." Subject to these safeguards the removal of these provisions, you would advocate giving provincial autonomy to the provinces?—Yes.

255. I am asking you whether these are the only safeguards which you wish to suggest. You want that the powers which are now enjoyed by the Governors should be taken away. Have you got any safeguards to put in their places?—When I was examined by the Reforms Inquiry Committee, I suggested at that time that Finance and Police should remain with some agency which is not under the control of the legislature. Taking the situation as it exists to-day, I mean the communal conflicts where one party tries to overawe the other, I think that this safeguard is essential. In other respects provincial autonomy should be given, but before it is given communal quarrels should first be settled. If they are not settled, provincial autonomy will not work and will prove disastrous to the welfare of the Presidency. These are the only safeguards which I would like to suggest for the granting of provincial autonomy.

256. Are you in favour of transferring law and order in your Presidency?—No.

257. You want to exclude law and order and put them under the Central Government?—Not exactly. I want to have a sort of limited provincial autonomy. With the safeguards I have suggested provincial autonomy should be given.

258. Do you want that law and order should be a reserved subject under an Executive Councillor or you would transfer them directly under the control of the Central Government?—I think the suggestion that I made before the Muddiman Committee—and to which I stick even to-day—was this: that the Governor should have the control of law and order. I should think that so long as party disputes are not settled it will not be in the interests of the Presidency to transfer law and order. I had also made a suggestion about finances. The finances also should remain for some time at least out of party influence.

259. *Lord Burnham*: Do I understand you to be saying that you wish to leave the subjects of Government divided as at present, that is to say, to keep land revenue, law and order still reserved subjects?—I do not want that land revenue should be a reserved subject.

260. I thought you said Finance?—Yes, I want Finance to be a reserved subject. In Bombay Finance is a portfolio by itself. It deals with revenue and expenditure also.

261. *Sir Hari Singh Gour*: As regards the claims of the community, the Backward Classes, the Depressed Classes and the Mahomedans, how many seats in a total of 100 would you give to these three combined classes and also to Landed Classes and the Labourers? Have you worked out all this?—I have not worked out on that line.

262. After making these reservations, what will be the number of seats that will be left over to the Advanced Classes? Have you worked it out?—I have only worked out for the Marathi-speaking districts; I have not touched the Mahomedan interests or any other interests.

263. *Sir Arthur Froom (to Mr. Bole)*: May I know, Mr. Bole, the name of the Labour organisation with which you are connected?—The name of the Union with which I was connected is called the Bombay Textile Workmen's Union.

264. Is it registered?—Yes.

265. Under the Trade Unions Act?—Yes.

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[Continued.]

270. You have made another statement, Mr. Bole. I preface my remarks by saying that I do not question at all there being an army in India officered by Indian officers, I do not disagree with it nor am I arguing against it. But you make a statement here that Indian soldiers do not like to serve under British officers. Have you any justification in making that statement?—As the Europeans do not like to serve under Indian officers, it is natural that Indians will not like to serve under European officers.

271. They never tried it. Have they?—Because Indians are never given the chance of being officers in the army.

272. *Lord Burnham*: I suppose you do not refer to the past or the present, but that your statement is confined to the future?—Yes.

273. *Dr. Suhrawardy*: Mr. Bole, I understand you say that you are in favour of provincial autonomy? Yes.

274. One of the reasons why you want provincial autonomy is, I believe, due to the fact that, generally speaking, dyarchy has failed in the provinces?—No; in Bombay Presidency it has not failed.

275. Why do you then want provincial autonomy?—We want provincial autonomy because we want that there should be no reserved subjects.

*Lord Burnham*: Thank you, gentlemen. That concludes the evidence. We are much obliged to your attendance and for having answered so frankly the questions put to you.

**Statement concerning the safeguards for the protection of the interests of the Depressed Classes as a minority in the Bombay Presidency and the changes in the composition of, and the guarantees from, the Bombay Legislative Council necessary to ensure the same under Provincial Autonomy. Submitted by Dr. BHIMRAO R. AMBEDKAR, M.A., Ph.D., D.Sc., Barrister-at-Law, Member of the Legislative Council, Bombay, on behalf of the Bahishkrita Hitakarini Sabha (Depressed Classes Institute of Bombay).**

**1.—Protection through Adequate Representation.**

**1. Preliminary.**—The Sabha feels relieved of great anxiety by the decision of Parliament not to appoint an Indian on the Statutory Commission. The agitation for the appointment of an Indian would have been proper if the Commission had to consider a common Indian demand for self-government. But the fact is that the Commission shall have to consider not one demand, but a variety of demands made by the different interests prevailing in the country. That being the case the agitation should have been for a representation of all such interests on the Commission. The Sabha desires to point out that nothing could have satisfied the Depressed Classes better than the appointment of Indians representing various interests in the country, including their own, on the Statutory Commission. The demand for representation on the Statutory Commission was not, however, of such a nature and the Sabha, therefore, could not feel at one with those who urged it. The Sabha, it is true, did not agitate as it should have done, in conformity with its own views, for the representation of the depressed classes on the Commission. But that was because the Sabha felt that it was too much to hope for in a country where those in charge of the affairs from the Viceroy downwards have cultivated the habit of recognising the noisy few and forgetting the dumb millions. To use the language of Burke, because half a dozen politicians, like grasshoppers under a fern, make the field ring with their importunate chink, whilst the masses, like thousands of great cattle, are reposing beneath the shadow of the oak, chew the cud and are silent, the Government of India imagines that the politicians who make the noise are the only inhabitants of the field—that, of course, they are many in number—or that, after all, they are other than the little, shrivelled, meagre, hopping, though loud and troublesome insects of the hour. But there was also another reason why the Sabha did not press for its views. In the opinion of the Sabha this exclusion of Indians from the Statutory Commission was no small mercy to the depressed classes. For, by their non-appointment the depressed classes are, at any rate, saved the prejudice that would have otherwise been caused to their case, which the Sabha has hereby undertaken to place before the Commission.

**2. Injustice done to the depressed classes in 1919.**—The Montagu-Chelmsford Report recognised fully (para. 151) that the existence of the social differences and divisions formed “a feature of Indian Society which is out of harmony with the ideas on which elsewhere in the world representative institutions rest” and the authors of the Report (para. 153) held that they “have to be taken into account and they must lead us to adjust the forms of popular Government familiar elsewhere to the special conditions of Indian life.” In accordance with this, the authors of the Report, in order to pacify the depressed classes who had stoutly opposed the introduction of the Reforms, undertook to safeguard their interests, as will be seen from the following statement in para. 155 of their Report in which they say “we have shown that the political education of the ryot cannot be very rapid and may be a very difficult process. Till it is complete he must be exposed to the risk of oppression by people who are stronger and cleverer than he is; and until it is clear that his interests can safely be left in his own hands, or that the Legislative Council represent and consider his interests, we must retain power to protect him. *So with the depressed classes. We intend to make the best arrangements we can for their representation in order that they too may ultimately learn*

*the lesson of self-protection.* But if it is found that their interests suffer and that they do not share in the general progress, we must retain the means in our hand of helping them \* \* \*

**3.** The Sabha regrets that all these promises were thrown to the wind by the Southborough Committee which was subsequently appointed to devise franchise, frame constituencies and to recommend what adjustments were needed to be made in the form of the proposed popular Government as a consequence of the peculiar social conditions prevalent in India. So grossly indifferent was the Southborough Committee to the problem of making adequate provision for safeguarding the interests of the depressed classes that even the Government of India, which was not over-particular in this matter, felt called upon in para. 13 of their despatch on the Report of the Southborough Committee to observe: “We accept the proposals (for non-official nomination) generally. But there is one community whose case appears to us to require more consideration than the Committee gave it. The Report on Indian Constitutional Reforms clearly recognised the problem of the depressed classes, and gave a pledge respecting them. The castes described as ‘Hindus—others’ in the Committee’s Report, though they are defined in varying terms, are, broadly speaking, all the same kind of people. Except for differences in the rigidity of their exclusion they are all more or less in the position of the Madras Panchamas, definitely outside that part of the Hindu community which is allowed access to their temples. They amount to about one-fifth of the total population, and have not been represented at all in the Morley-Minto Councils. The Committee’s Report mentions the depressed classes twice, but only to explain that in the absence of satisfactory electorates they have been provided for by nomination. It does not discuss the position of these people or their capacity for looking after themselves. Nor does it explain the amount of nomination which it suggests for them. Paragraph 24 of the Report (of the Franchise Committee) justifies the restrictions of the nominated seats on grounds which do not suggest that the Committee were referring to the depressed classes. The measure of representation which they propose for this community is as follows:—

Province.	Total population in millions.	Population of Depressed classes in millions.	Total seats.	Seats for the Depressed classes.
Madras ...	30.8	6.3	120	2
Bombay ...	19.5	4.6	113	1
Bengal ...	45.0	9.9	127	1
United Provinces	47.0	10.1	120	1
Punjab ...	19.5	1.7	85	—
Bihar and Orissa	32.4	9.3	100	1
Central Provinces	12.0	3.7	72	1
Assam ...	6.0	.3	54	—
<b>Total ...</b>	<b>221.4</b>	<b>41.9</b>	<b>791</b>	<b>7</b>

“These figures speak for themselves. It is suggested that the one-fifth of the entire population of British India should be allotted seven seats out of practically 800. It is true that in all the Councils there will be, roughly, a one-sixth proportion of officials who may be expected to bear in mind the interests of the depressed (P): but that arrangement is not, in our opinion, what the Report on Reforms aims at. The authors stated that the depressed classes should also learn the lesson of self-protection. It is surely fanciful to hope that this result can be expected from including a single member of the community in an assembly where there are 60 to 90 caste-Hindus. To make good the principles of paragraphs 151, 152, 154 and 155 of

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[Continued.]

the Report we must treat the out-castes more generously. \* \* \*

4. The Sabha feels happy that it is not alone in its opinion as to the injustice done to the depressed classes by the framers of the Reforms Scheme of 1919. This opinion was also shared by the Muddiman Committee, which was appointed two years afterwards to report upon the possibility of improving and enlarging the scheme of reforms. That Committee admitted in its Report (paragraph 64) that the representation granted to the depressed classes under the scheme was inadequate.

5. *Extent of Representation that must be Granted to the Depressed Classes.*—What then should be the extent of the representation of the depressed classes which can be said to be adequate? In the opinion of the Sabha the following scheme for the composition of the Legislative Council of Bombay, assuming that Sind will be separated from the Presidency, may be deemed to satisfy the demand of the depressed classes for adequate representation:—

*Composition of the Bombay Legislative Council for I—Bombay Presidency without Sind.*

Constituencies.	Total No. of seats.	Reserved for the De-pressed classes.	Reserved for Marathas and allied castes.	
<b>I. GENERAL.</b>				
<i>(a)—Urban.</i>				
1 Bombay City North	5	1	1	
2 Bombay City South	3	...	...	
3 Ahmedabad City	3	1	1	
4 Surat City	1	...	...	
5 Sholapur City	3	1	1	
6 Poona	1	...	...	
<i>(b)—Rural.</i>				
<b>NORTHERN DIVISION.</b>				
7 Ahmedabad District	5	1	1	
8 Broach do.	4	1	1	
9 Kaira do.	5	1	1	
10 Panchmahals do.	4	1	1	
11 Surat do.	5	1	1	
12 Thana do.	5	1	1	
<b>CENTRAL DIVISION.</b>				
13 Ahmednagar District	5	1	1	
14 Khandesh East do.	6	1	1	
15 Khandesh West do.	5	1	1	
16 Nasik do.	5	1	1	
17 Poona do.	6	1	1	
18 Satara do.	6	1	1	
19 Sholapur do.	5	1	1	
<b>SOUTHERN DIVISION.</b>				
20 Belgaum District	5	1	1	
21 Bijapur do.	5	1	1	
22 Dharwar do.	6	1	1	
23 Kanara do.	4	1	1	
24 Kolaba do.	4	1	1	
25 Ratnagiri do.	6	1	1	
Total of General	112	22	22	...
<b>II. SPECIAL.</b>				
26 Labour Unions	4	...	...	...
27 University	3	...	...	...
28 Europeans	4	...	...	...
29 Millowners	2	...	...	...
30 Commerce	2	...	...	...
31 Agriculture	3	...	...	...
32 Inamdars	1	...	...	...
33 Officials	9	...	...	...
Total of Special	28	...	...	...
Grand Total...	140	...	...	...

which should be the strength of the Bombay Legislative Council.

6. In case it is decided to keep Sind as part of the Bombay Presidency the Sabha would like to propose the following scheme for the composition of the Bombay Legislative Council:—

*Composition of the Bombay Legislative Council for II—Bombay Presidency with Sind.*

Constituencies.	No. of seats.	Reserved for De-pressed classes.	Reserved for Marathas and allied castes.	
<b>I.—Non-Mahomedan.</b>				
<i>(a)—Urban.</i>				
1 Bombay City North	5	1		
2 Bombay City South	4	...		
3 Karachi City	1	...		
4 Ahmedabad City	3	1		
5 Surat City	2	...		
6 Sholapur City	4	1		
7 Poona City	2	...		
<i>(b)—Rural.</i>				
8 Ahmedabad District	5	1		
9 Broach do.	4	1		
10 Kaira do.	4	1		
11 Panch Mahals do.	4	1		
12 Surat do.	4	1		
13 Thana do.	4	1		
14 Ahmednagar do.	4	1		
15 Khandesh East do.	5	1		
16 Nasik do.	4	1		
17 Poona do.	5	1		
18 Satara do.	5	1		
19 Belgaum do.	4	1		
20 Bijapur do.	4	1		
21 Dharwar do.	4	1		
22 Kanara do.	4	1		
23 Ratnagiri do.	5	1		
24 Eastern Sind do.	2	...		
25 Western Sind do.	2	...		
26 Sholapur do.	4	1		
27 Kolaba do.	4	1		
28 Khandesh West do.	4	1		
Total	86	22	...	
<b>II.—Mahomedan.</b>				
<i>(a) Urban.</i>				
29 Bombay City	2	...	...	
30 Karachi City	2	...	...	
31 Ahmedabad City	1	...	...	
32 Surat City	1	...	...	
33 Poona City	1	...	...	
34 Sholapur City	1	...	...	
<i>(b)—Rural.</i>				
35 The Northern Division	2	...	...	
36 The Central do.	3	...	...	
37 The Southern do.	3	...	...	
38 Hyderabad District	2	...	...	
39 Karathi do.	2	...	...	
40 Larkana do.	2	...	...	
41 Sukkur do.	2	...	...	
42 Thar and Parkar do.	2	...	...	
43 Nawabshah	2	...	...	
44 Upper Sind Frontier	2	...	...	
Total	30	...	...	
<b>III.—Special.</b>				
45 Labour Unions	4	...	...	
46 University	2	...	...	
47 Europeans	4	...	...	
48 Millowners	1	...	...	
49 Commerce	1	...	...	
50 Agriculture	1	...	...	
51 Inamdars and Jaghirdars	2	...	...	
52 Officials	9	...	...	
Grand Total	140	...	...	

which should be the total strength of the Council.

7. In either case the demand of the Sabha is for 22 representatives of the depressed classes in a Council composed of 140 members. The Sabha desires to state emphatically that this much representation to the depressed classes in a Council of 140 is only just. The Sabha is aware that some people are likely to call such a demand as a very large one. Such a view must, however, be deemed to be the result of prejudice against the depressed classes. It cannot be said to be founded upon any definite reason. The Sabha thinks that an exact idea as to the population of the depressed classes would be a sufficient corrective to views of this sort. For it must be admitted that population is a measure by which to evaluate the representation that is to be granted to any community. The computation of the exact strength of the depressed classes is, therefore, a matter of considerable importance. The depressed classes of the Bombay Presidency have already suffered an injustice at the hands of the Southborough Committee in 1919. That Committee gave in its Report a grossly wrong figure\* as to the exact strength of the depressed classes in the Bombay Presidency—a figure which was absolutely unwarranted by the Census of 1911. So small was the strength of the depressed classes shown by the Southborough Committee that even the paltry suggestions of the Government of India to give two representatives to the depressed classes in the Bombay Legislative Council failed to have any effect. Similar attempt is now being made in responsible quarters to whittle down the population of the depressed classes. For instance, Mr. Bajpai, speaking on behalf of the Government of India in the Legislative Assembly on the 23rd February, 1923, said "that the population of the depressed classes in India was much exaggerated, and that the real strength of the depressed classes was only 28½ millions and not 60 millions" as used to be stated theretofore. The Sabha fears that the Commission may fall into the same error in which the Southborough Committee fell, and may in consequence make proposals based upon such erroneous calculation. The Sabha therefore desires to draw the attention of the Commission to what the Director of the Census of India has to say in this connection. In chapter xi. of Volume I. of the Census of India 1921 the director observes:—

"Paragraph 193. It has been usual in recent years to speak of a certain section of the community as the "depressed classes." So far as I am aware the term has no final definition, nor is it certain exactly whom it covers. In the Quinquennial Review of the Progress of Education from 1912 to 1917 (chapter xviii, paragraph 505) the depressed classes are specifically dealt with from the point of view of educational assistance and progress, and in Appendix XIII. to that Report a list of the castes and tribes constituting this section of the community is given. The total population classed according to these lists as depressed amounted to 31 million persons, or 19 per cent. of the Hindu and tribal population of British India. There is undoubtedly some danger in giving offence by making in a public report social distinctions which may be deemed invidious; but in view of the lists already prepared and the fact that the "depressed" have, especially in South India, attained a class consciousness and a class-organisation, are served by special missions, "raised" by philanthropic societies and officially represented in the Legislative Assemblies, it certainly seems advisable to face the facts and to attempt to obtain some statistical estimate of their numbers. I therefore asked Provincial Superintendents to let me have an estimate based on census figures of the approximate strength of the castes who were usually included in the category of "depressed." I received lists of some sort from all Provinces and States except

the United Provinces, whose extreme delicacy of official sentiment shrank from facing the task of attempting even a rough estimate. The figures given are not based on exactly uniform criteria, as a different view is taken of the position of the same group in different parts of India, and I have had in some cases to modify the estimate on the basis of the figures in the educational report and of information from the 1911 reports and tables. They are also subject to the general defect which has already been explained, that the total strength of any caste is not recorded. The marginal statement [reproduced below] gives, however, a rough estimate of the minimum numbers which may be considered to form the "depressed classes" of the Hindu community. The total of these provincial figures adds to up about 53 millions. This, however, must be taken as a low and conservative estimate since it does not include (1) the full strength of the castes and tribes concerned and (2) the tribal aborigines most recently absorbed in Hinduism, many of whom are considered impure. We may confidently place the numbers of the depressed classes, all of whom are considered impure, at something between 55 and 60 millions in India proper. \* \* \*

*Population of the Depressed Classes in India.*

Provinces.	000's omitted.
Total ... ..	52,630
Assam ... ..	2,000
Bengal ... ..	9,000
Bihar and Orissa ... ..	8,000
Bombay ... ..	2,800
C. P. and Berar ... ..	3,300
Madras ... ..	6,072
Punjab ... ..	2,893
U. P. ... ..	9,000
Baroda ... ..	177
Central India ... ..	1,140
Gwalior ... ..	500
Hyderabad ... ..	2,339
Mysore ... ..	932
Rajputana ... ..	2,267
Travancore ... ..	1,260

8. This cautious and considerate estimate of the Director of Census must supersede all guesses and surmises regarding the strength of the depressed classes in the different Provinces of India. It destroys the validity of the estimate of Mr. Bajpai. For, it has been arrived at after scrutinising the figures that have appeared in the Provincial Educational Reports which Mr. Bajpai says have formed the basis of his statement. Its correctness must be admitted. For, as the Director says, it was arrived at after a deliberate investigation. The Sabha must, therefore, insist upon the Statutory Commission accepting these figures in preference to any other. According to this estimate the minimum strength of the depressed classes in the Bombay Presidency is 2,800,000 souls or 10.8 per cent. of the total population. On the basis of their strength alone the depressed classes are entitled to 15 seats out of a total of 140.

9. If the strength of a community was the only factor governing the extent of the representation to be granted to it, then the demand for the seven extra seats for the depressed classes would no doubt appear to be one for an unearned increment. It must, however, be recognised that the strength of the community cannot be taken as the sole factor in determining matters of this sort. The standing of a community is no less an important factor to be taken into account in determining its quota of representation. The standing of the community must mean its power to protect itself in the social struggle. That power would obviously depend upon the educational and economic status of the community. It follows from the recognition of the principle that the lower the standing of a community the greater is the electoral advantage it must get over the rest. There can be no two opinions that the standing of the depressed classes, both educational and economical, is the lowest in this Presidency. Consequently they are entitled to

\* The figure given by the Southborough Committee and adopted by the Government of India in the table given above was 577,516. According to the authority relied upon by the Southborough Committee the population of the depressed classes in the Bombay Presidency in 1911 was 2,145,208.



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[Continued.]

some electoral advantage over what they are entitled to on the basis of their strength. This electoral advantage must be greater in the case of the depressed classes than in the case of any other community of equal strength and standing; because no community can be said to form a submerged class in the same sense in which the depressed classes do. Nor can any class be said to be burdened with those grave disabilities which form the common lot of the depressed classes and which prevent them from rising above their degraded station in life. This is one reason why the Sabha feels justified in asking for this increment in representation. There is also another reason which the Sabha thinks must justify the extra-representation claimed by it for the depressed classes. The representation of a minority, if it is to protect the minority, must also be effective. If not, it would be a farce. To escape this reproach it must be recognised that if a minority is to be protected then there must be enough representatives of the minority to save it from being entirely submerged. To put the same thing in the form of a proposition, the effectiveness of a minority representation depends upon its being large enough to have the sense of not being entirely overwhelmed. In claiming this extra-representation the depressed classes, the Sabha thinks, are entitled to invoke this principle in their favour, in common with the rest of the minorities in the country.

10. *Necessity for impartial treatment of all minority communities.*—These principles governing the extent of representation are those which have been laid down by the Government of India in their despatch reviewing the Report of the Southborough Committee. The Sabha desires to point out that the case of the depressed classes was more deserving of the application of such principles than that of any other community that could have been thought of in the whole of India. In practice, however, the benefit of these principles was rigorously denied to the depressed classes all throughout India and was literally showered upon a community like the Mahomedans holding a stronger and better position in the country than can be predicated of the depressed classes. To point out one such instance of unequal treatment the Sabha would invite the attention of the Commission to the two following cases:—

Provinces.	Moslem Population.	Seats for Moslems.	Depressed classes Population.	Seats for D.C.
Central Provinces	574,276	11	3,060,232	2
Bombay Presidency	1,297,443	7	1,627,980	1

Howsoever indignant one may feel over the perpetration of such injustices to the depressed classes the Government of India does not blush at it. For it had avowedly enunciated those principles for the very limited purpose of applying them to the Mahomedans only. This was due, as every one knows, to the distinction the Government of India made in the political importances of the different communities. The Sabha protests against this grading of the citizens of a country on the basis of their political importance. There can be no safe and secure rule except the one that all communities are politically of equal importance. This invidious distinction is at the root of all the communal troubles and is destructive of the principle of equal opportunity. The introduction of this principle in the governance of India at the time when the first instalment of Reforms was granted by Parliament was disastrous to the interests of the depressed classes. The Sabha is glad to find the present Secretary of State recognising the existence of the depressed classes as a problem for serious consideration in the decision that may now be taken with regard to the enlargement of the scope of the political reforms already introduced. But the Sabha is anxious to point out that such recognition would be of no consequence to the depressed classes if it is not reflected in the changes that may now be introduced into the framework of the constitution of the country.

11. *Mode of representation.*—The Sabha is opposed to the principle of nomination and would insist upon the extension of the principle of election to the depressed classes. Election is not only correct in principle from the standpoint of responsible Government, but is also necessary in practice from the standpoint of political education. Every community must have an opportunity for political education which cannot well be secured otherwise than by the exercise of the vote. It must be regarded as unfortunate that the depressed classes, who need such education more than any other community, should be denied an opportunity to take their share in the rapidly developing political life of India. There is also another reason why election in the case of the depressed classes is a necessity. Ministership is a very important privilege, and the depressed classes cannot afford to forego the same. No great benefit can come to them from the introduction of political reforms unless they can find a place in the Cabinet of the country, from where they can influence the policy of the Government. This opportunity will be denied to them so long as they are denied the opportunity of electing their own representatives. For, under responsible Government nominated members must continue to be ineligible for office. A system of representation like that of nomination which deprives the depressed classes of this right must stand self-condemned.

12. Two objections are usually urged against the application of the principle of election to the depressed classes.

(a) *Difficulty in forming constituencies.*—This objection, the Sabha thinks, must be ruled out of serious consideration as not being honest. If difficulty in the matter of forming constituencies was a consideration which led Government to prefer nomination to election in the matter of the representation of the depressed classes, it is difficult to understand how the Government ventured to apply the principle of election to the Moslems and the Europeans. These communities are not less scattered than the depressed classes and no constituencies can be formed for them including the existing ones, which cannot be condemned as absurd from a logical point of view. All the same, the Government of Bombay did abandon its æsthetic sense and undertook to form asymmetrical constituencies for these communities when it found it impossible to form symmetrical ones. All these difficulties in regard to the formation of the constituencies for the Depressed classes are, however, set at rest under the scheme of representation outlined by the Sabha. The problem being thus simplified, no objection ought now to be raised for the substitution of the principle of nomination by the principle of election.

(b) *Difficulty in getting a sufficiently large electorate.*—Will there be a sufficient number of electors in any constituency to make the election of the Depressed classes to the Council a real election? By way of pointing out a difficulty in substituting election for nomination this question is usually raised and answered in the negative. The difficulty would, no doubt, be there if it is decided that the existing pitch of the franchise is not to be touched and so long as the pitch continues where it now is, the Sabha must admit that the number of electors among the Depressed classes will be very few. But the Sabha thinks that the existing pitch of the franchise is unjustifiable on every ground. It has turned responsible Government into a mockery. It means a Government of the whole Presidency of two crores of people by a minority of seven lakhs who happen to have the good fortune of being voters under the existing franchise. Such a state of things is clearly vicious and cannot be allowed to continue in future, if there is to be responsible Government, not merely in name but also in fact. It is to be regretted that the question of franchise does not seem to have been adequately pressed by the class that is most vocal in demanding Reforms. Democracy is alleged to be the

aim of that class, but if the truth be told, in the words of the Government of Burma, "they are in favour of democratic institutions mainly because they are making an appeal to a democratic nation. They could not very well call for democracy and leave the Demos out. Their chief interest in the Reforms is centred in the powers that they expect to gain over the executive. The broad franchise and responsible voting in its true sense by the rural electors is not at all the central idea of their demand. As long as their own class will furnish the Legislative Councillors who will exercise the desired control, it is immaterial to them whether these represent few or many voters." Whether or not this is the correct diagnosis of the indifference of the Indian politicians to the important question of franchise, the fact remains that the question of franchise occupies in Congress politics a very subordinate place as compared to the question of the transfer of powers. In the opinion of the Sabha, this attitude of the Congress politicians is a reversal of the true relationship between the question of the franchise and the question of transfer of power. It must be admitted that the dictum of the Government of India that the forces which now hold the administration together cannot be withdrawn before satisfactory substitutes are ready to take their place must find acceptance in all quarters which are willing to look at things from a proper perspective. Now these substitutes must obviously be the electors: it follows therefore that the degree and the kind of responsibility which can be introduced into the Government of the country will depend upon the strength of the electors. So vital is this question of the franchise that upon its determination alone can depend the degree of the transfer of political power. What should be the franchise is therefore a most important question. In the way in which it is determined at present the Sabha wishes to point out that the principal aim of representative Government has been lost sight of altogether. *Franchise means the right to determine the terms of associated life.* Franchise can mean nothing else. If that is the meaning of franchise, then it follows that it should be given to those who by reason of their weak power of bargaining are exposed to the risk of having the terms of associated life fixed by superior forces in a manner unfavourable to them. If this is true, then the very exigencies of representative Government demand that the franchise, if the term is properly understood, must be fixed so low as to bring it within the reach of the large majority of the poor and the oppressed sections of society. Indeed, adult franchise is the only system of franchise which can be in keeping with the true meaning of that term. The Sabha would, however, be content if the franchise for the Legislative Council is fixed at the same level as that for the Taluka Local Board in the rural parts and Rs. 3 rental per month in urban parts of the Presidency. The fear often entertained on the part of the Government that such a lowering of the franchise will bring in a large part of unintelligent people is without foundation. Large property is not incompatible with ignorance. Nor is abject poverty incompatible with high degree of intelligence. Property may as well dull the edge of intelligence. On the other hand poverty does and often must stimulate intelligence. Consequently the adherence of the Government to a high property qualification as an insurance against ignorance is nothing but a superstition, which is sedulously cultivated by the classes and fostered by the Government in order to deprive the masses of their right to the making of their Government.

13. *System of Election.*—Free election in general constituencies is, in the opinion of the Sabha, out of the question so far as the depressed classes are concerned. On the other hand, the Sabha does not wish to ask for Communal electorates. In its opinion, it would be sufficient if the depressed classes are provided with reserved seats in the general constituencies. In the case of the candidates for election

from the depressed classes the Sabha would urge the total abandonment of the residential qualification and a partial relaxation in the condition as to deposit.

14. *Representation in the Assembly.*—The Sabha respectfully protests against the non-recognition of the right of the depressed classes in the Legislative Assembly in 1919. The Government of India is still supreme in important matters which are directly under its control or under the Reserved half of the Provincial Governments. Even in respect of the Transferred subjects it continues to have the power of superintendence. It is, therefore, obvious that in the direction of such large powers the depressed classes should have some voice and the Sabha would, therefore, claim that three members from the depressed classes of the Bombay Presidency should be elected to the Legislative Assembly by their representatives in the Local Legislative Council.

#### II.—Protection through Guarantees.

15. In addition to the demand for adequate representation the Sabha feels that it must also demand the inclusion of clauses in the constitution of the country and as a fundamental part thereof, guaranteeing the civic rights of the depressed classes as a minority in the Bombay Presidency. Such guarantees must cover the recognition of the following propositions concerning the interests of the depressed classes:—

(1) That the education of the depressed classes shall be recognised as the first charge on the revenues of the Province and that an equitable and just proportion of the total grant for education should be earmarked for the benefit of the depressed classes.

(2) That the right of the depressed classes to unrestricted recruitment in the army, navy, and the police shall be recognised without any limitation as to caste.

(3) That for a period of 30 years the right of the depressed classes for priority in the matter of the recruitments to all posts, gazetted as well as non-gazetted, in all civil services shall be recognised.

(4) That the right of the depressed classes to the appointment of a special inspector of police from amongst themselves for every district shall be recognised.

(5) That the right of the depressed classes to effective representation (as defined above) on the local bodies shall be recognised by the Provincial Government.

(6) That the right of the depressed classes to appeal to the Government of India in cases of violation of these rights by the Provincial Government shall be recognised and the Government of India shall be given the power to compel the Provincial Government to conform to the law in the matter.

16. *Justification of such guarantees.*—It may be argued that as the depressed classes have been given adequate representation in the council, there can be no danger to their rights, as there can be in the case of an unrepresented minority. Why then should there be these guarantees? The Sabha demurs to this much faith in the efficacy of a representative form of Government to effectively protect a minority from the tyranny of the majority. In this connection the Sabha would like to invite the attention of the Commission to the views of John Stuart Mill, who has observed that "the notion that the people have no need to limit their power over themselves, might seem axiomatic, when popular Government was the thing only dreamt about or read of as having existed as some distant period of the past \* \* \* It was now perceived that such phrases as self-government, and the power of the people over themselves, do not express the true state of the case. The people who exercise the power are not always the same people with those over whom it is exercised; and the self-government spoken of is not the government of each by himself, but of each by all the rest. The will of the people, moreover, practically means,

will of the most numerous or the most active part of the people, the majority or those who succeed in making themselves accepted as the majority; the people, consequently, may desire to oppress a part of their number; and precautions are as much needed against this, as against any other abuse of power. The limitation, therefore, of the power of Government over individuals loses none of its importance when the holders of power are regularly accountable to the community, that is to the strongest party therein. This view of things, recommending itself equally to the intelligence of thinkers and to the inclination of those important classes in European Society to whose real or supposed interests democracy is adverse, has had no difficulty in establishing itself; and in political speculations the tyranny of the majority is now generally included amongst the evils against which the Society requires to be on its guard."

17. From this it is obvious that representative Government cannot altogether do away with the necessity of such guarantees for the protection of the interests of the minorities in a nation. Indeed it may safely be asserted that a representative form of Government, far from being a means of affording protection to the minorities, must be deemed to be so very inadequate for that purpose that its introduction without a system of guarantees being made a part thereof was looked upon as a most dangerous experiment. The post-war history of Europe abounds in such cases. The peace treaties between the allied Powers and Czechoslovakia, Austria, Hungary, Rumania and the Polish-German Convention relating to Upper Silesia with their guarantee clauses for the benefit of the minorities bear eloquent testimony to the fact that the minorities cannot depend upon the representative form of Government but must seek protection in the form of guarantees of their rights.

18. If representative Government is so weak when operating among European peoples, where the secularisation of politics has gone far further, how much weaker must it be in India where politics is nothing but theology in action. It is this theology against which the depressed classes must seek to be protected. How destructive is this theology of true citizenship has nowhere been described so well as in the Note by the Honourable Sir Alexander Cardew, K.C.S.I., I.C.S., to the Government of India contained in the Letter No. 1146 (Reforms) dated the 31st December, 1918. The following extracts are made from that Note:—

"2. It may first be asked whether the democratic idea is in accordance with the prevailing philosophy of the people of India. The fundamental principle of the modern democratic state is the recognition of the value of the individual and the belief that as each individual has but one life, full opportunity should be accorded to each to attain his maximum development in that life. Neither of these propositions is accepted in the current philosophy of India. This rather holds that the present life is for each only one of a series of existences; that the position of each individual in this life has been determined for him by his merit or demerit in previous births; and that, therefore, his place in the social organism is irrevocably fixed and cannot be changed. It may, therefore, be safely asserted that the root notions of democracy run counter to all the ideas which for thousands of years have formed the common stock of popular belief in India.

"3. Closely connected with the doctrine, that each man's place in the present birth has been determined by his actions in past existences is the institution of caste, which has the effect of stereotyping and fixing unalterably the position of each individual in the social scale. Thus, a man born a Brahmin cannot be other than a Brahmin, and a man born Pariah can never be other than a Pariah. Equality of opportunity is impossible under such conditions and it is neither recognised nor desired by Indian public opinion.

"4. At the apex of the caste pyramid stands the Brahmin. This caste, originally representing, at least in Southern India, a racial difference, has established through a long period of time its absolute supremacy over all other castes. The Brahmin's claim to supremacy is based not only on race and intellect, but also on the injunctions of religion. The sanctity of a Brahmin's person and religious merit to be obtained by feeding him, paying for his education, providing money for the marriage of his daughters, endowing him with land, has been an established belief in India for centuries \* \* \* Brahmins possessed numberless privileges \* \* \*

"6. With such predominance in most walks of life, it is not surprising that the Brahmin has easily secured control in politics \* \* \* No representative of the great Pariah Community nor of the Christian Community has ever sat, or would ever have a chance of sitting, for one of these constituencies. This experience strongly suggests that the political machine in the future as in the past will be under the control of the Brahmans, unless special measures are resorted to, to secure adequate representation of the other classes.

"8. Next to the Brahman *sed longo intervallo* comes the great group of Hindu castes, some higher, some lower, generally grouped together as non-Brahmans, but all equally exclusive and largely antagonistic to one another. It is notorious that if a member of one of these castes attains to a position of influence he fills the offices in his gifts with his fellow castemen. The Standing Orders of the Government recognise this tendency and contain directions to counteract it. The Joint Report is not ignorant of this, for it says, "there runs through Indian society a series of cleavages of religion, race and caste which constantly threaten its solidarity." These distinctions of castes do not merely threaten the solidarity of Indian society—they prevent such solidarity from ever existing.

"9. Below both the Brahmans and the non-Brahman caste Hindus, come the low castes, or more correctly the persons of no castes, who number in this Presidency [i.e., Madras] some ten millions of people. For convenience they may be referred to as the Panchama or Pariah community. These people are regarded, not merely as belonging to a lower class, but as conveying by their very presence an actual pollution which requires purificatory religious ceremonies.

"13. The difficulty of introducing democratic institutions into a society such as this, illiterate, divided into hard and fast castes, with the Brahman at the top, with the various non-Brahman Hindu castes in the middle, and the low castes, liable to be oppressed impartially by both, at the bottom must be very great. Nor does this difficulty seem to have been sufficiently realised by the writers of the Joint Report. Surely the first essential of any scheme of reform is that adequate safeguard should be provided for the good government of the inarticulate masses of the population \* \* \*

18. If this is a correct description of the existing state of affairs then the Minorities of Europe cannot be said to have a better case for obtaining guarantees of their rights than the Depressed classes. Many people in the world have fallen low by force of circumstances. But having fallen they are free to rise. The depressed classes, on the other hand, form a solitary case of a people who have remained fallen because their rise is opposed to the religious notions of the majority of their countrymen. Much was made before the Muddiman Committee by certain persons of the resolutions passed by the various Legislative Councils, throwing open wells, dispensaries and dharmshalas to members of depressed classes, and of the circulars issued by Ministers of Education requiring children of the depressed classes to be admitted to schools in common with the rest. But what a mockery such resolutions and circulars are will be apparent to the Commission from the personal

STATEMENT SUBMITTED BY DR. BHIMRAO R. AMBEDKAR.

[Continued.]

of annexure A to this statement. It will illustrate the attitude of the majority towards the depressed classes as evidenced by incidents reported from time to time in the various newspapers in the country (items No. 1 and 10). From a perusal of these news items it will be realised that the depressed classes cannot be employed in the army, navy and the police, because such employment is opposed to the religious notions of the majority (item No. 8). They cannot be admitted in schools, because their entry is opposed to the religious notions of the majority (item No. 12). They cannot avail themselves of Government dispensaries, because doctors will not let them cause pollution to their persons or to their dispensaries (item No. 2 and 5). They cannot live a cleaner and higher life, because to live above their prescribed station is opposed to the religious notions of the majority (items No. 1 and 6). So rigorous is the enforcement of the social code against the depressed classes that any attempt on the part of the depressed classes to exercise their elementary rights of citizenship only ends in provoking the majority, to practise the worst form of social tyranny known to history (items No. 4, 7 and 11). It will be admitted that when society is itself a tyrant, its means of tyrannising are not restricted to the acts which it may do by the hands of its functionaries and it leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself. Protection against such tyranny is usually to be found in the police power of the State. But, unfortunately, in any struggle in which the depressed classes are on the one side and the upper class of Hindus on the other, the police power is always in league with the tyrant majority (item No. 11), for the simple reason that the depressed classes have no footing whatsoever in the police or in the magistracy of the country.

19. In view of this, it is unfair to the depressed classes to be lulled into the belief that their interests would be safe in the hands of their countrymen, because some Councils have passed resolutions and some of the Ministers have issued circulars favouring the depressed classes. The Sabha desires to caution the Commission against being lured into forming a better opinion of the Hindu majority from its best instances. Pictures of loving exercise of authority on one side, loving submission to it on the other, of superior wisdom ordering all things for the greatest good of the dependants are very gratifying to read. But such pictures would be to the purpose only if any one from the depressed classes denied the existence of good men in the Hindu society. Nobody among the depressed classes doubts that there would be great and universal happiness under the government of a good Hindu. But the fact is that laws and institutions require to be adapted not to good men but to bad. From this point of view, it is safer to grant the minority the necessary protection by the inclusion of guarantee clauses than to leave it unprotected on the fanciful ground that the tyrant majority has in it a few good men sympathetic to the minority. Such guarantees may be looked down upon by persons other than the depressed classes as being unnecessary; but from the standpoint of the depressed classes it is but an essential safeguard. There is such an enormous dread of the Reforms prevalent amongst the depressed classes that they have from the very beginning opposed their introduction. So strong was their feeling against the Reforms that in one of the addresses presented to Mr. Montagu the depressed classes declared "we shall fight to the last drop of our blood, any attempt to transfer the seat of authority in this country from the British hands to the so-called high-class Hindus." Nothing can allay such fears as the system of guarantees can do. Government is based upon faith and not upon reason. If the depressed classes can have no faith in the new constitution it is statesmanship to buy that faith if it can be done so with the concession of guarantees herein demanded.

## ANNEXURE A.

## ITEM No. 1.

(From the *Times of India*, 8th February, 1928.)*No Uplift for Antyajas.*

As a landmark in the rapid progress of Indian social reform, a lecture delivered last month by Mahamahopadhyaya Pandit Ananta Krishna Shastri (Professor, Calcutta University) to an audience of Sanatanist (orthodox) Agrawal Marwadis of Bombay in the local Nara-Narayan temple, deserves to be rescued from unmerited oblivion. The subject of the discourse was "The Way to Uplift the Patits" (i.e., "fallen" untouchables), and the chair was graced by Shri Jagadguru Anantacharya Maharaj of the new Vaishnav temple in Bombay. The lecturer proved by citations from the Shastras that the various castes have always been in existence and will continue so to exist till the end of all time. He added that those who talk of uplifting the "Fallen" (Antyajas) are merely talking, and that, in fact, there is no way of uplifting the Antyajas in the sense of getting them admitted into any of the four castes, or taking them out of their present social position.

*Orthodox Generosity.*

The learned lecturer suggested the only possible way of uplifting the "unupliftable Fallen," namely, generously restoring to them some of their inalienable professions at present encroached upon by unthinking and unorthodox caste people. "In this 20th century," said the Mahamahopadhyaya, "people on getting up in the morning sit down to clean their costly shoes instead of performing their appointed morning ritual. Next they sit down to shave themselves. And instead of cleaning their teeth in the Swadeshi style (i.e., with twigs of babool, etc.), they sit down to rub powder on their teeth with brushes. By doing all these things they deprive Mochis (cobblers), Hajams (barbers), and tooth-stick sellers of their livelihood. Let everyone do his duty according to Dharma and rest content. This is the only way to bring about the uplift of the Antyajas—let those who have deprived these Fallen people of their means of livelihood restore it to them."

## ITEM No. 2.

(From the *Times of India*, 2nd March, 1928.)*Antyajas in India.*

But, the patriots will protest, all this happened in British India, not in Indian India. Well, we know what happened to Balais only the other day in a big Central India Native State for wearing gold and silver ornaments and absurdly presuming to behave like touchable caste Hindus. And this is what the *Saurashtra* reports about the Antyajas in Baroda territory, where the Maharaja himself sympathises so deeply with these unfortunates: "The order to admit Antyaja boys into Gujarati schools is on paper only. In nearly 95 per cent. of the schools the Antyaja children are made to sit outside in the cold, heat or rain, and they are made to fetch cowdung, fuel, droppings, dust, etc. \* \* \* In April, 1927, an Antyaja went to the Damnagar dispensary for medicine. The doctor made him wait for twelve hours and then examined him—from a distance, and gave him medicine—from a distance. This happened in the presence of an Antyaja member of the Baroda Legislative Assembly." And the *Pratap* of Surat tells us that when a teacher in the Navasari Antyaja Ashram took an ailing boy to the local hospital, the doctor in charge drove them both away with these remarkable words: "Get away! This is not Gandhi Raj but Baroda Sarkar's Raj!"

STATEMENT SUBMITTED BY DR. BHIMRAO R. AMBEDKAR.

[Continued.]

## ITEM No. 3.

(From the *Evening News*, 11th May, 1926.)

## Untouchable in Jambusar Municipality.

## Four Hindus Resign.

A sensation has been caused in Jambusar at the election of an untouchable to the Jambusar Municipality. Four Hindu members have resigned, while the rest have promised not to touch the untouchable member and to bathe if ever they touched him.

## ITEM No. 4.

(From the *Bombay Chronicle*.)

## KOLABA DEPRESSED CLASS CONFERENCE.

## Rowdiness of Upper Class Hindus.

The *Times of India* in its issue of the 24th gives a statement of the riot at Mahad. But as that statement is incomplete and fails to give a correct idea of what happened it is necessary to give a complete and correct account of the riot.

A Conference of the Depressed Classes of the Kolaba District was held at Mahad on the 19th and 20th instant (i.e., of March, 1927) under the Presidentship of Dr. B. R. Ambedkar, Bar-at-Law. The attendance of the depressed classes was over 2,500 and great enthusiasm prevailed. But the work of the Conference was severely marred by a riot, the responsibility for which rests entirely upon the upper class Hindu residents of the town of Mahad. On the first day of the Conference, after the President had delivered his address, several upper class Hindus addressed the Conference assuring the depressed classes that they were willing to help them in all ways and urging that the depressed classes should not cultivate hatred of the upper class Hindus. In pursuance of this, the Subjects Committee drafted a resolution, among others laying down what the upper class Hindus should do for the uplift of the depressed classes. In the Subjects Committee attention was drawn by some people to the fact that there was a great difficulty at Mahad for the depressed classes in obtaining water for drinking purposes, and that this difficulty was felt not only by the resident depressed classes of Mahad but also by the depressed classes from villages who resorted to Mahad for private business or for the purposes of Government work. So great was the scarcity that water worth Rs. 15 had to be bought each day to satisfy the needs of the Conference. The Municipality of Mahad had some time ago passed a resolution declaring the tanks in the city to be open to the public, but as it had not placed a board there people feared to resort to them. The Subjects Committee, therefore, decided, after taking the sense of the upper classes who attended the Conference in this matter, that the Conference should go in body to the Chowdar tank and help the depressed classes in establishing their right to take water.

## A False Rumour.

When, therefore, the Conference met on the morning of the 20th, and the first resolution which declared what the upper classes should do for the depressed classes was put before the Conference by members of depressed classes, the President requested Messrs. Purushottam Prabhakar Joshi and Gorind Narayan Dharya (as representatives of the upper classes) to speak on the resolution. With the exception of one clause in the resolution dealing with inter-marriages they both accepted the resolution. Having thus assured itself that there was general support behind it, the Conference, when the Session was over, went in a body to the said tank. The procession was a most peaceful one and everything passed off quietly. But after about two hours some evil-minded leaders of the town raised a false rumour that the depressed classes were planning to enter the temple of Vireshwar,

whereupon a large crowd of riffraffs were collected, all armed with bamboo sticks. The crowd soon became aggressive, and the whole town at once became a surging mass of rowdies, who seemed to be out for the blood of the depressed classes.

## Twenty Wounded.

The depressed classes were busy in taking their meal before dispersing to their villages. When a large part of them had left the town the rowdies entered the kitchen where the depressed classes were taking their food. There would have been a regular battle between the two forces, but the depressed classes were held back by their leaders, and thus a far more serious riot was averted. The rowdies, finding no occasion for provocation, began patrolling the main street and assaulting the members of the depressed classes who in stray batches were passing along on their way to their villages and committed trespass in the houses of several depressed-class people and gravely assaulted them. In all the number of wounded among the depressed classes is supposed to be as large as 20. In this the attitude of the depressed classes was as commendable as the attitude of many of the upper classes was unworthy. The depressed classes assembled vastly outnumbered the upper classes. But as the object of their leaders was to do everything in a non-violent and absolutely constitutional manner they set their faces against any aggression on the part of the depressed classes. It speaks a great deal in favour of the depressed classes that, although the provocation given to them was immense, they kept their self-control. The Mahad Conference has shown that the upper classes are not willing to allow the depressed classes to enjoy such elementary civic rights as taking water from public watercourses.

The most reprehensible part of the conduct of the upper-caste Hindus in Mahad and Kolaba District was that messages were sent immediately to the different villages asking the upper-class people there to punish the delegates of the Conference as soon as they returned to their respective villages. In obedience to this mandate assaults were committed on a number of Mahars returning from the Conference either before or after they reached their villages, where the depressed classes have the disadvantage of being overwhelmingly outnumbered by the upper-caste Hindus. The leaders of the depressed classes have appealed to the authorities for protection and the District Officials, including the D. S. P., are making inquiries on the spot. It must, however, be stated that, if the Resident Magistrate had not allowed two precious hours to pass without doing anything, the riot would have probably been averted.

## ITEM No. 5.

(From *Young India*, 5th May, 1927.)

## Man's Inhumanity to Man.

(By M. K. Gandhi.)

In another column will be seen an extract from *Narajivan* of a most disgraceful case of calculated inhumanity of a medical man towards the dying wife of a member of the suppressed class in a Kathiawad village. *Sgt. Amritlal Thakkar*, who is responsible for giving the details of the case, has withheld the names of the place and parties for fear of the poor suppressed class schoolmaster being further molested by the medical man. I wish, however, that the names will be disclosed. Time must come when the suppressed class people will have to be encouraged by us to dare to suffer further hardships and tyranny. Their sufferings are already too great for any further sufferings to be really felt. Public opinion cannot be roused over grievances that cannot be verified and traced to their sources. I do not know the rules of the Medical Council in Bombay. I know that in other places a medical practitioner who refused to attend before his fees were paid would be answerable to the Council and would be liable to have his name removed from the

Council's list and be otherwise subject to disciplinary action. Fees are no doubt exactable; but proper attendance upon patients is the first duty of a medical practitioner. The real inhumanity, however, if the facts stated are true, consists in the practitioner refusing to enter the untouchable's quarters, refusing himself to see the patient, and refusing himself to apply the thermometer. And if the doctrine of untouchability can ever be applied in any circumstances it is certainly applicable to this member of the profession which he has disgraced. But I am hoping that there is some exaggeration in the statement made by Sjt. Thakkar's correspondent, and, if there is none, that the medical practitioner will himself come forth and make ample amends to the society which he has so outraged by his inhuman conduct.

*Read, Reflect and Weep.*

There is a school for the children of the suppressed classes in a village in Kathiawad. The teacher is a cultured, patriotic man belonging to the *Dhedh* or Weaver (untouchable) class. He owes his education to the compulsory education policy of His Highness the Gayakwad, and had been doing his little bit for the amelioration of his community. He is a man of cleanly habits and refined manners, so that no one can recognise him as belonging to the untouchable class. But because he had the fortune or misfortune of teaching the children of his own community in a conservative village in Kathiawad everyone regards him as an untouchable. But, unmindful of that, he had been silently working away. There are some moments, however, when the most patient man living under intolerable conditions may give vent to his agony and indignation, which are evident in the following letters from the schoolmaster. Every little sentence in it is surcharged with pathos. I have purposely omitted the names of the village and all the people mentioned in the letter lest the schoolmaster should come into further trouble.

*Namskar.* My wife was delivered of a child on the 5th instant. On the 7th she was taken ill, had motions, lost her speech, had hard breathing and swelling on the chest, and her ribs were aching painfully. I went to call in Dr. —, but he said "I will not come to the untouchables' quarters. I will not examine her either." Then I approached the Nagarsheth — and the Garrisin Durbar —, and requested them to use their good offices for me. They came, and on the Nagarsheth standing surety for me for the payment of Rs. 2 as the doctor's fee, and on condition that the patient would be brought outside the untouchables' quarters, he consented to come. He came, we took out the woman, who had a baby only two days old. Then the doctor gave the thermometer to a Mussalman who gave it to me. I applied the thermometer and then returned it to the Mussalman who gave it to the doctor. It was about eight o'clock, and, having inspected the thermometer in the light of a lamp, he said: "She has pneumonia and suffocation." After this the doctor left and sent medicine. I got linseed from the market and we are applying linseed poultice and giving her the medicine. The doctor would not condescend to examine her, simply looked at her from a distance. Of course, I gave Rs. 2 for his fee. It is a serious illness. Everything is in His hands.

II.

The light in my life has gone out. She passed away at 2 o'clock this afternoon.

Comment is needless. What shall one say about the inhumanity of the doctor who, being an educated man, refused to apply the thermometer except through the medium of a Musalman to purify it, and who treated an ailing woman lying in for two days worse than a dog or a cat? What shall one say of the society that tolerates this inhumanity? One can but reflect and weep.

A. V. THAKKAR.

ITEM No. 6.

(From the *Times of India* dated 1-4-28 and 10-2-28.)

*Tyranny of Hindus.*

*Rules for Balais.*

*Mode of life laid down.*

Last May, high caste Hindus, viz., Kalotas, Rajputs, and Brahmans, including the patels and putwais of villages Kanaria, Bicholeo Hafsai, Bicholi Mardana, and of about 15 other villages in the Indore district, informed the Balais of their respective villages that if they wished to live among them, they must conform to the following rules:—(1) Balais must not wear gold lace bordered pugrees; (2) they must not wear dhooties with coloured or fancy borders; (3) they must convey intimation of the death of any Hindu to relatives of deceased—no matter how far away these relatives may be living; (4) in all Hindu marriages the Balais must play music before the processions, and during the marriages; (5) the Balai women must not wear gold or silver ornaments; they must not wear fancy gowns, or jackets; (6) Balai women must attend all cases of confinement of Hindu women; (7) the Balais must render services without demanding remuneration, and must accept whatever a Hindu is pleased to give; (8) if the Balais do not agree to abide by these terms, they must clear out of the villages.

*Balais refuse compliance.*

The Balais refused to comply; and the Hindu element proceeded against them. Balais were not allowed to get water from the village wells; they were not allowed to let go their cattle to graze. Balais were prohibited from passing through land owned by a Hindu; so that if the field of a Balai was surrounded by fields owned by Hindus, the Balai could have no access to his own field. The Hindus also let their cattle graze down the fields of Balais. The Balais submitted petitions to the Darbar against these persecutions; but as they could get no timely relief, and the oppression continued, hundreds of Balais, with their wives and children, were obliged to abandon their homes in which their ancestors lived for generations and migrate to adjoining States, viz., to villages in Dhar Dewas, Bhopal, Gwalior, and other States.

STATEMENT SUBMITTED BY DR. BHIMRAO R. AMBEDKAR.

[Continued.]

order in adjoining States. The villages from which Bahals have been forced to clear out are Balohi, Varkhedi, Dapoda, Mankheda, Pampur, Kavda, Chitavda, Navei Puri, Saravada, Agni, Kharadi, and Saravada. Pampur village has been altogether deserted, and not a Bahal man, woman, or child is to be found there. Nanda Bahal, a resident of one of the other villages, is a blind, was severely beaten by the British of the village. In one village, the record goes, the British burnt down all the dwellings of the Bahals but the offenders have not yet been traced.

Bahals are ignorant village folk, who are ignorant of legal procedure and think that if a petition is sent to the S. C. all that is required will be done for them. They have not the knowledge, or the means, and were not, to pursue a complaint to its end, and so they stand in some cases, tried to attend or otherwise witness in support of their allegations, the magistrates find no alternative but to dismiss their complaints.

## ITEM No. 7.

(From the Bombay Chronicle, 25th February, 1928.)

*Cathedral Hill, Mad.*

*Alleged Barrenness of "Untouchables."*

*Views of Hon. Mr. Ambedkar.*

Mr. Keshavrao Kumbhade, Varghda from Ahmednagar has informed Dr. B. R. Ambedkar, President, Bahakar, H. K. S. Sabha, as follows—

One Damoo and Laxman, and his brother, Karpoo, have been residents of Ahmednagar during the last six years. They used to mix with some people from the Deccan belonging to Maratha caste. Karpoo's two sons, viz. Damoo and Laxman, used to take part in the Bhajan parties of the Marathas. The latter, however, never came to know that the brothers Damoo and Laxman were Bahals by caste and in 1922 a dispute arose, two Bahals employed on the parcel train between Surat and Ahmednagar were specially called to identify Damoo and Laxman. After it was ascertained that Damoo and Laxman were Bahals they were called at a Bhajan party at Khatapur, Bhamburda, Poole, at midnight on the 11th instant. Asked as to what caste they belonged to, Damoo and Laxman replied that they were Somnathias. This reply enraged the Marathas, who freely abused them for having defiled their persons and places. The Bahal brothers were also assaulted by the Marathas. One of the brothers had a gold ring on his person. It was forcibly taken away from him and sold for Rs. 12. Out of this amount Rs. 6 was paid to the Bahals who had been called from Surat to identify the brothers. Damoo and Laxman entreated the Marathas to allow them to return to their homes, but the latter refused to do so unless a fine Rs. 500 was paid. On the Bahal brothers pleading their inability to pay such a heavy sum, one of the Marathas suggested that the Bahal brothers should be fined only Rs. 125. But then one of the Marathas opposed the proposal for fine saying that they should not be satisfied with fine, but should punish the

Bahals severely for their crime of concealing their caste. Having decided upon the course, the Bahal brothers were decamped and at about 9 o'clock in the morning they were subjected to barbarous indignities. Their moustaches in the left side and eyebrows on the right side were shaved, their bodies besmeared with wet mud in oil and also with dirt, garlands made of old shoes were put around their necks, and one of them was asked to hold a broom in his hand and the other to hold a placard on which it was written that the placard was moved out to the culprits for venturing to touch high caste people. The Bahal brothers were taken in procession consisting of about 75 people, a drum being beaten in the front.

A complaint has been lodged with the police by the said two Bahal brothers. The accused in their statement have admitted that Damoo and Laxman were treated in the alleged manner, but pleaded that the complainants had willingly agreed to undergo the punishment. Obviously Damoo and Laxman were helpless when they were abused, assaulted and threatened with severe punishment and actually subjected to barbarous indignities. This case has created a great sensation among the people belonging to the so-called untouchable castes and efforts are being made to give proper legal aid to the complainants.

## ITEM No. 8.

(Bombay Legislative Council Debates, 1927.)

Vol. XX.; Part XVI.; p. 1373.)

*Police: Enlistment of Bahals.*

Dr. B. R. Ambedkar: Will Government be pleased to state whether there is any rule prohibiting the enlistment of the depressed classes in the police constabulary force of the Presidency?

The Honourable Mr. J. E. B. Watson: There is no such rule.

Dr. B. R. Ambedkar: Will the Honourable Member please inform me why the Commissioner of Police for the City of Bombay refuses to appoint depressed class members in the police constabulary if there is no restriction?

The Honourable Mr. J. E. B. Watson: This opens up a very large subject. I can only say that there are practical difficulties which are known to every member of this House, and which stand in the way of the more extensive enlistment of these classes in the police. There is no prohibition against it.

N.B.—The practical difficulties referred to by Mr. Watson are evidently difficulties arising out of untouchability.

## ITEM No. 9.

(Bombay Legislative Council Debates, 1928.)

Vol. XXII.; Part II.; pp. 96-97.)

*Clerks in Government Service.*

Mr. R. S. Aswale: Will Government be pleased to state the total number in the clerical ranks in the offices of the various departments of Government?

The Honourable Sir Chunilal Mehta: A statement giving the requisite information is placed on the Council table.

	Marathas and Allied Castes.	Muslims.	Depressed Classes.	Advanced Hindus.	Parsis.	Christians and Jews.	Others.	Total.
I. The Secretariat ...	31	11	...	268	38	81	11	411
II. P. W. D. ...	6	...	...	64	8	10	3	91
III. Collector of Bombay ...	3	8	...	28	...	4	1	44
IV. Commissioner of Excise ...	1	...	...	12	5	...	...	18
V. Small Causes Court ...	9	7	...	58	10	5	8	97
VI. High Court ...	4	13	...	123	22	23	9	198
VII. Bombay Police Courts ...	7	4	...	32	...	4	...	47
VIII. Commissioner of Police, Bombay ...	8	7	...	39	...	4	9	87



STATEMENT SUBMITTED BY DR. BHIMRAO R. AMBEDKAR.

[Continued.]

## ITEM No. 10.

(From the *Times of India* 5th May, 1928.)

THURGOOD IRENE EYES.

"Chambhar and Mahars."

How sincere the political lions are when they roar about the disabilities and hardships of the Untouchables, was clearly brought out at the Maharashtra Conference when the question of the removal of untouchability was adversely shelved. Among the half-dozen or so of protestants against this trick were men belonging to the Sattrajis. One of them wrote in that paper an outspoken article, exposing the general Hindu outlook on the theory problem, which shows much light on what the Maharashtra Conference did; "While speaking to me the other day," says the writer about the Savata Sangha (Social Equality Society) of Poona, a friend of mine said: "Because people like you join them, these Chambhar and Mahars become insolent." \* \* \* From this utterance one can realize what a terrible hatred of the Untouchables still exists among the upper classes.

## Resolutions and Acts.

The said reformer continues: "Maharaja issued a proclamation that untouchability was a blot on Hindu dharma; Swami Shradhdharam and Lala Laxpat Rai have said all along that we shall never be able to win Swaraj if untouchability is not removed from Hindu Society; during the last seven years resolutions for its removal are being adopted by the Congress; but what is the actual result of all these activities? Utterances like the one given above are still coming out of the mouths of highly educated persons! We pass resolutions in the Congress and the Hindu Sabha advocating temple entry of Untouchables and urging that public tanks, wells, etc., should be thrown open to them. But when the time for putting them into practice comes, we condemn the Untouchables, say, we assault them and then proceed legally against them and send them to jail."

## ITEM No. 11.

Resolutions passed at the Depressed Classes Conference held at Dapoli (District Ratnagiri).

1. (a) This Conference expresses indignation at the campaign of persecution carried on by the so-called high caste Hindus in this district against the depressed classes for the refusal on the latter's part to eat the meat of dead animals.

(b) This Conference is extremely grieved to find that the Police officers and Magistrates in the district systematically abuse the depressed-class people instead of giving them protection against the tyranny and injustice to which they are being subjected by the so-called high caste Hindus through impounding the cattle of the former, committing assaults on them and making it impossible for them to obtain the necessities of life in the baramas by observing a strict social boycott against them.

(c) This Conference appeals to the Government to take steps for having the usual *baluta* remuneration paid to the Watandar Mahars who have been deprived of the same by the high caste Hindu villagers owing to the former's refusal to eat the carrion and carry dead animals, beg alms and do other unclean things.

2. (a) Having come to know that in a number of villages it is the Police Patel who countenances the

campaign of persecution against the depressed-class people, this Conference requests the Government to take proper steps against such Police Patels.

(b) This Conference requests the Government to appoint in each district a special Police Inspector from amongst the depressed classes for the protection of those classes and to admit recruits from these classes in the police service.

(c) This Conference requests the Government immediately to quarter punitive police under the command of military pensioners belonging to the depressed classes, at the villages of Vadval, Matven, Tulsi, Degam, Mardangad, Satar, etc., at the expense of the so-called high caste Hindus residing in these villages in view of the fact that owing to harassment and social boycott and open assaults it has become impossible for the depressed classes to live in these villages.

3. This Conference is emphatically of the opinion that no further instalment of self-government be given to India except with proper safeguard for the interests of the depressed classes.

## ITEM No. 12.

(From the *Harvey Chronicle*, dated 20-10-27.)

Municipal Schools (in the City of Bombay).

The School's Committee has made itself ridiculous by taking fright at the little question of drinking "lotas" (pots). It seems that, in spite of the Corporation's resolution that there should be no caste discrimination in the municipal schools, "depressed" class children are given separate pots for drinking water. A sub-committee of the School's Committee recommended that all children should be given the same pots. But the members of the School's Committee greatly agitated over this recommendation and entertained all sorts of fears. Some said that the change would be resented by the caste Hindus; evidently, the resentment of the "low" caste Hindus does not count for much. Professor V. G. Rao said that it was a revolutionary change, and Mr. D. G. Dalvi, himself a well-known social reformer, added to these fears a legal one, that some parents might file a suit against the Committee. Ultimately the School's Committee referred the question back to the sub-committee, which was tantamount to saying that the latter's recommendation was not acceptable to them.

## A Calculated Insult.

The fears mentioned above are absurd, as every boy is expected to wash a pot well before using it, on sanitary and—if he is so minded—on caste grounds. That a pot once used by an "untouchable" boy becomes itself untouchable or unusable by the "high" caste Hindus in spite of its being washed clean, is a calculated insult to the unfortunate "depressed" classes, which we certainly did not expect the School's Committee to countenance. Mr. Dalvi stated that in view of compulsory education in some Wards parents might file a suit against the Committee "for enforcing an obligation which was by no means a legal one." But nobody is under an obligation to use the common pots in the schools. Those parents who are so over scrupulous may give their own pots to their children and thereby protect their "religion." As for the "depressed" classes the insult to them remains, whether they bring their own pots or betake themselves to other schools where better notions of justice prevail.



## The Joint Memorandum of The Depressed India Association, Bombay, and The Servants of Somavamshi Society, Bombay.

"Nothing is settled, that is not rightly settled.

If slavery is not wrong, nothing is wrong in the  
World."

—ABRAHAM LINCOLN.

Sirs,—

We have been directed by our Associations, of which we have the honour to be the Presidents, to submit to the Commission this Memorandum, which contains an account of our status, in the social, political and economic spheres, and a statement of the concessions which constitute, in our humble opinion, the irreducible minimum which ought to be granted to our community if we are to enjoy a fair measure of that prosperity and economic welfare which we, as human beings, and as subjects of His Imperial Majesty, our beloved King-Emperor, have a right to expect from the hands of the Commissioners.

1. It is not our purpose to explain how, by the mandates of a wicked caste system and the silent workings of centuries of prejudice, we have been reduced to a state of degradation on a par with the beasts of the field, regarded as the untouchables and outcasts of society, and denied the use of roads, wells, entry to temples, and, in fact, the most elementary amenities of civilised life. Thanks to the joint influence of missionary education and British rule, the walls that divided us from the society of our fellow men have been breached, but the progress of their disintegration is slow and laborious and, unless our rulers take our condition seriously in hand and initiate definite steps towards our uplift, we can see no betterment of our position, in any sphere, in the near or the distant future.

2. In the Bombay Presidency we number about three millions by a recent computation; that is to say, one-ninth of the population of the Presidency. If the voice of our people is to be heard with effect in the councils of the nation, our representation therein must be substantial. We plead for nothing more than that, according to the principles of strict fairness and equity, we should have a representation in proportion to our numerical strength. At least one-ninth of the representation of the Legislative Council should be reserved to us, of which half the number may enter by election and half by the system of nomination. This measure of representation, we are confident, will not trespass upon the rights of other communities, nor will it involve the fate of Ministries, but it will serve to make our voice heard in the Council, and, when we are unanimous, will represent a moral force which the Council will find it difficult to ignore. Moreover, such representation must be a natural one; that is to say, our representatives must be men selected from the rank and file of our community. That this principle has not been recognised is apparent when we recall that recently, in Bombay, an Indian Christian and, in Madras, a Brahmin was nominated to represent our people. Such a system of representation runs counter to all principles of democratic government, and constitutes in the particular case of the depressed classes, a menace to our interests.

3. Of equal importance with the question of representation in the Councils is the necessity of granting our people the privilege of separate electorates. The principle of separate electorates was recognised by the late Lord Morley as a vital safeguard for the security and advancement of backward classes and communities, and experience has shown during the last two decades that it has served as a powerful lever to raise our Muslim brethren, who, in consequence, are making rapid headway and coming into line with more advanced sections. We plead that the identical principles, he applied to our community, and that the time has arrived to extend its beneficent utility to our case as well.

4. The urgency of granting us separate electorates to protect and advance our interests is manifest when we come to consider our lot in local bodies like the Municipalities and District Local Boards. For it is these bodies that come into daily and intimate touch with the life of the people, and if the profound social

evils which, like so many millstones, grind us to earth are to be radically removed, our voice must be heard and our influence felt in the Municipalities and Local Boards. Then only shall we be spared the indignity of drinking water with the beasts at some running stream outside the village limits and of maintaining our bodily life by the leavings of the caste Hindus. Then, alone, shall we be men entitled to free air and sunshine with the doors of temple and school and office yielding to our loud and insistent knocks. That the picture we have drawn is no exaggeration but a vivid and real one may be proved without any difficulty. To-day, in the district of Gujarat, which boasts of its so-called spirituality as the home of soul-force, the depressed classes are hooted and hissed off the public roads, and, being denied even right of way, have to find it by nullah and stream like the wild denizens of the forest.

5. We submit that the franchise should be extended to all adults in our community without any property or educational qualifications, and should be on as wide a basis as possible. In the present backward state of our people, the necessity of providing property or educational qualifications to enjoy the vote would result in automatically depriving us of the privilege, and keeping us for ever lagging miles behind our fellow countrymen. This right we crave as the only means by which we could secure a hearing in the Local Boards and Councils, and a beginning would thus be made in the direction of redressing our just and age-long wrongs and the first steps towards the amelioration of our unhappy plight would then be taken. The benefit of separate electorates would be entirely lost if the franchise were whittled down to a property qualification. Centuries of oppression and the rigid rules of the tyrannous caste system have made it impossible for our brethren to acquire property and gather knowledge in the schools.

6. In the struggle for existence, which is getting keener every year, our community, already beset with evils, finds its lack of education its greatest handicap. Our percentage of literacy is in the region of 2 per cent. only, after more than a century of British rule in this Presidency. Education under the regis of the British may be said to have commenced with the year 1815, with the foundation of the Bombay Education Society in 1815. It was the unfortunate policy of Government to restrict the benefits of education to the higher castes, chiefly the Brahmins, and that during this period the depressed classes were not allowed by Government to share in the blessings of education. Though by the year 1854 mass education was the declared policy of Government, it is significant that, even in 1881, there was no student from our community either in the High Schools or in the Colleges of the Presidency. Even from 1882 there has been no improvement worth speaking of, though other backward communities have come into line meanwhile with more advanced communities. A study of the following table will reveal the fact that the state of education of the backward classes is deplorable, and though in the matter of population they rank second, in the matter of education they rank last and lowest, and that the Muslims have, during the 30 years prior to 1924, made such enormous strides as to come within easy reach of the Brahmin and allied classes:—

*Report of Director of Public Instruction, Bombay,  
for 1923-24.*

Classes of Population in the Presidency.	Order in respect of Population.	Order in respect of education.		
		Primary.	Secondary.	Collegiate.
Advanced Hindus	4th	1st	1st	1st
Intermediate Hindus.	1st	3rd	3rd	3rd
Backward ...	2nd	4th	4th	4th
Mohamedans ...	3rd	2nd	2nd	2nd

JOINT MEMORANDUM OF DEPRESSED INDIA ASSOCIATION, BOMBAY,  
AND THE SERVANTS OF SOMAYAMSHI SOCIETY, BOMBAY.

[Continued.]

7. We have set out at some length how the root causes of our present backward state are the wicked and intolerable caste system and our lack of education in regard to which the policy of the British Government is mainly responsible. It now rests with Government to recast and overhaul its whole policy in regard to the education of our community and to take practical and effective steps to placing the cause of education in our midst on a progressive and substantial basis.

8. The first desideratum, we venture to submit, is the provision of annual and recurring grants for the education of the depressed classes. Such grants do exist at present but they are in the nature of meagre doles. An increase of 50 per cent. in the grant is essential. This would result in providing scholarships for promising children to prosecute their studies in the high schools and colleges and in districts where our classes preponderate in furnishing schools for them. We plead that the same efforts should be made in our case as were conspicuous in the case of our Muslim brethren, where special Muslim Inspectors with Deputy and Assistant Inspectors were drafted into the Education Department to pay special attention to the educational needs of their community and advise the Department accordingly.

9. As we are on this subject we should like to refer to the sincere and exemplary efforts made by some of the native States, notably by the Baroda and Kolhapur Durbars and their endeavours to uplift our people compare favourably with the absence of effort made by our British rulers. The State of Baroda, besides embarking upon a bold policy of free and compulsory education, has established four hostels for our people, where students are maintained free of cost of education and maintenance. In British territory there is only one hostel for our people, and this on a restricted and narrow scale of maintenance. The personal interest taken in our people by H.H. Sir SAYAJIRAO GAEKWAR of Baroda was brought prominently to the public eye when a pupil from the depressed classes was sent to England for higher studies at a cost of about Rs. 20,000 to the State. In the Kolhapur State the doors to schools, colleges and public service have been thrown open as widely as possible to our ranks.

10. In the machinery of the Central Government we plead that adequate safeguards be provided for the protection of our interests. It will be an anomaly if, were concessions being granted to us to fulfil our aims and aspiration on the constitutions of the local boards and councils, the scheme of the Central Government should not postulate similar and adequate provision for our political and economic safety. Matters of such vital importance to our community as recruitment to the army, and other matters of grave concern, are subjects in regard to which our representatives would be failing in their duty if they kept silence; but it is equally a matter of urgent necessity that the number of our representatives should be large enough to give sufficient expression to the needs of our classes all over India.

Two representatives from each Presidency, to represent our people, would, we submit, introduce no disturbing element in the composition of the Central Government: a lesser element of representation would only render the voice of our representatives as futile cries in the wilderness.

11. While we are anxious to obtain concessions from Government in order to ameliorate our social, economic and political status, we have no desire to shirk our responsibilities in the matter of sharing in the defence of our country. From the days when our Presidency passed from under the umbrella of the Peshwa to the shelter of the Union Jack, the depressed classes have always found scope for their martial spirit in the ranks of the British Indian regiments, both in the fighting line and in subsidiary occupations connected with regimental needs and requirements. In the Great War, the testimony is unanimous in regard to our proved worth and merit

and the generous appreciation of His EXCELLENCY LT.-COL. THE RIGHT HONORABLE SIR LESLIE ORME WILSON, P.C., G.C.I.E., C.M.G., D.S.O., GOVERNOR of Bombay, was no piece of idle compliment when he addressed our deputation led by our Mr. R. S. Nekaljay in March, 1925, as follows:

"I much appreciate your expressions of loyalty to Government and to the British Crown. From all I have heard about the Mahars I have gathered that they are indeed a loyal and law-abiding community, with a very high standard of honesty, which is perhaps the more surprising in view of the unfavourable conditions in which they have lived for so many centuries. Every year a large proportion of the Government revenue is carried to the Taluka headquarters by the village mahars, and never a single pie is lost, and I have heard from officers who have toured in the districts for years many stories of the honesty and faithfulness of the men of your community. I congratulate you on the efforts you are making to improve your status in the country, and I can assure you that every endeavour you may take in this direction on sound constitutional lines will receive all the support that I am able to give."

Addressing the Bombay Council on 5th November, 1925, on the resolution of our Mr. R. S. Nekaljay, Mr. L. J. Mountford, Commissioner, Central Division, testified to the courage and heroism of our people in the following striking words:—

"For the benefit of this House I would like for one moment to allude to the past history of the Mahars to show that the call upon such material will meet with good response. In the days of the John Company a very large proportion of its regiments consisted of Mahars. Those of you who have gone to Koregaon, and taken the trouble of seeing the monument there, will remember there are names upon that monument, which signalize one of the greatest and the most glorious feats of arms in the East, and that every name there is that of a Mahar. There was the time when Captain Staunton marched down just after the battle of Kirkee to join Colonel Burr before Poona and stopped at Koregaon. Captain Staunton, with 800 troops, a large majority of whom were Mahars, including some Arabs, who manned the guns, met the troops led by the Peshwa in person; Captain Staunton lost his guns three times, but recaptured them. The Peshwa's troops numbered 25,000, while Captain Staunton's force consisted only of 800 men who, he it said to their credit, kept the Peshwa's troops at bay for a day and a night and eventually routed them. That is the record of the Mahar as a fighting man, which has won the respect of this Government and also of the Government of India and that he will most certainly be called upon, if necessary, to swell the fighting forces of the Empire."

12. In the present backward economic state of our community it is hopeless to contend with other indigenous communities in other fields of service. Accordingly the army for some time to come must provide our people with sufficient occupations to earn their livelihood. Further, as a community, we constitute no menace, from any point of view to Government, which will incur no risk in opening the doors to military employment still wider to our people. We therefore beg to appeal to the Commissioners to recommend that the standard of recruitment from our people to the ranks of the army should be in the region of one-third of the strength of every regiment.

That the singular backwardness of our community in the field of education is responsible for our low economic status can be easily verified by a reference to vital statistics. At a meeting of the Bombay Legislative Council in the year 1925, the following interesting information was made available in answer to a question by Mr. Zunzarrao.

**JOINT MEMORANDUM OF DEPRESSED INDIA ASSOCIATION, BOMBAY,  
AND THE SERVANTS OF SOMAVAMSHI SOCIETY, BOMBAY.**

[Continued.]

*Statement to accompany the reply to parts (i) and (iii) of the Bombay Legislative Council Question No. 2 put by  
Mr. S. J. Zunzarrao, on 18th March, 1925.*

No.	Name of Institution.	Name of Students of the Classes mentioned on 1st July, 1924.					Number of free Studentships of the Classes mentioned on 1st July, 1924.					
		Ad- vanced Classes.	Inter- mediate Classes.	Back- ward Hindus, ex- cluding De- pressed Classes.	De- pressed Classes.	Maho- medans.	Ad- vanced Classes.	Inter- mediate Classes.	Back- ward Hindus, ex- cluding De- pressed Classes.	De- pressed Classes.	Maho- medans.	Re- marks.
1	Elphinstone, High School, Bombay	643	158	...	1	20	21½	21½	...	1	1	
2	High School, Satara.	168	121	...	3	41	15	21	...	3	10	
3	High School, Sholapur.	268	162	...	5	51	23	21½	...	4	11	
4	High School, Jalgaon.	185	101	...	5	36	14½	10	...	2	7	
5	High School, Dhulia	304	67	5	11	36	23½	15	...	8	9	
6	High School, Ahmedabad.	229	52	1	1	21	22½	11½	1	1	8	
7	High School, Surat	207	46	...	...	26	20½	16	...	...	2	
8	High School, Broach	205	43	6	2	41	15	12	1	2	12	
9	High School, Nadiad	141	154	7	...	17	11½	31	4½	...	5	
10	High School, Godhra	119	46	9	...	54	9	7	5½	...	8½	
11	High School, Dharwar.	215	87	...	5	29	16	16	...	3	6	
12	High School, Belgaum.	269	84	...	5	58	18½	16½	...	5	13	
13	High School, Bijapur	213	100	...	...	49	17	12	...	...	11	
14	High School, Karwar	235	65	3	...	21	20	12	3	...	4½	
15	High School, Ratnagiri.	136	78	...	...	12	10	17½	...	...	3	
16	High School, Thana	278	46	...	4	2	18½	10	...	3½	...	
17	High School, Nasik	328	120	2	14	39	25	27	...	11	7	
18	Anglo Urdu High School, Poona.	32	...	...	...	150	3	...	...	...	29½	
19	Anglo Urdu High School, Hubli.	...	...	...	1	152	...	...	...	½	24	
20	Government Middle School, Ahmedabad	190	93	3	9	28	15½	14	3	9	3½	
21	Government Middle School.	153	43	4	...	57	12½	6	4	...	9	

*Note.*—Information regarding Intermediate Hindus and Backward Hindus, excluding Depressed Classes, is given in the statement separately on the assumption that both these categories are included in the term "Backward Hindus" used in the question.

Even in the service of the Bombay Municipal Corporation, which boasts of being the most democratic and exemplary civic body in the East, our status is so low that we are practically non-existent as a community. We append a table below showing the strength of the various communities in municipal service.

<b>Hindus:—</b>			
Advanced	...	...	596
Backward	...	...	75
Depressed	...	...	1
			—672
Parsees	...	...	106
Christians	...	...	59
Mahomedans	...	...	44
Jews	...	...	14
			—223

The total number of clerks employed in the Bombay Municipality is as follows:—

Grand Total ... .. 895

ORAL ANSWERS. (22ND JULY 1927.)

*Classified list of Clerical Establishment in the Revenue Department in the Central Division, according to Castes and Communities, of the employees.*

Name of District.	Mara- tha.	Brah- min.	Other Advan- ced Classes.	Un- touch- able.	Maho- med- ans.	Other Castes or Com- munities.	Total Number of Clerks.	Remarks.
1. Commissioner, Central Division	1	11	6	...	4	...	22	
2. Nasik District	17	114	4	1	26	11	173	
3. West Khandesh District	26	74	12	5	23	...	140	
4. East Khandesh District	65	105	4	...	23	...	197	
5. Ahmednagar District	18	127	5	...	19	...	173	4 Posts vacant.
6. Poona District	21	168	6	2	9	18	225	1 Do.
7. Sholapur District	19	81	...	...	8	9	117	
8. Satara District	53	128	16	...	19	2	219	1 Do.
Grand Total	220	808	53	8	131	40	1,266	6 Posts vacant.

JOINT MEMORANDUM OF DEPOSED INDIA ASSOCIATION, BOMBAY,  
AND THE SERVANTS OF SOMAVAMSHI SOCIETY, BOMBAY.

[Continued.]

12. From the account of our unhappy plight which we have given in the above paragraphs it would not indeed be surprising if we stated that we are opposed to Indianisation in so far as it is understood by that term, greater ascendance of Indians in the services irrespective of better opportunities for the depressed classes. Extension of political power to the caste Hindus proceeding in alliance with their wider constituents to the services would result in this, that even the small hopes we have expressed would be automatically whittled down, for, in the nature of things, caste Hindus, once they occupy a position of influence, would allow a number of the depressed classes to rise in the social or economic scale, but, on the contrary, would aim to stabilise the condition as a layer of mud and damper of water. We have come to know from the British officer, who, free from communal or caste bias, unfettered by any vested tradition, is quick to respond to the temptations of his conscience and the dictates of his duty. We realise that, with the prospects of time, we cannot hope for ever to rely upon the protecting arm of the British officer, but we do hope that, in the transition period through which the country is passing, every endeavour will be made to compensate us to join the services by providing recruits and on certain preferential lines. As the benefits of education are progressively diffused to us, it is not fair to expect that our young men are able to join the services which require an early age limit. An extension of the age limit to people of our community would be a great encouragement to our young men and constitute an act of fairness which it would be wrong for other communities to complain about.

Where candidates of equal qualifications are in the running for an appointment it would be, again, an act of basic justice to grant the boon to a member of the depressed classes.

14. We now conclude this Memorandum upon a note of optimism. We regard the Commissioners as a body of men who have come to this country at great personal sacrifice, with the single and selfless motive of doing their best for the subjects of this part of His Majesty's Empire. We have no doubt but that the ideals that animate them and the motives that inspire them are those that filled the lives of that band of inspired statesmen, Canning, Ripon, Dalhousie, Elphinstone, Morley, Minto, Hardinge and others too numerous to mention who have left behind them a mantle of inspiration for the guidance of succeeding generations of statesmen. We recollect how, on the morning of a great upheaval, Queen Victoria of beloved memory told the Indian people that the welfare of her Indian fellow subjects was the greatest object of her wish, and that no subject of Her Majesty shall, by reason of his colour, caste or creed, be debarred from filling the highest offices of state to which he is entitled by his ability, honesty and integrity to aspire. We trust, therefore, that the Commissioners will be pleased to enquire into our legitimate grievances and recommendations to the Imperial Government on the lines we have suggested in this Memorandum.

We have to add that representatives of the two Societies or Associations of which this is a joint Memorandum will be ready to give oral evidence before the Commission whenever required.

We have the honour, &c.,

Your obedient Servants,

S. WAGHMARE,

*President*

The Servants of Somavamsi Society of  
Bombay.

R. S. NEKALJAY, J.P.,

*President,*

The Deposed India Association,  
Bombay Branch,

Justice of the Peace, Member of the Bombay  
Municipal Corporation and Late Member of  
Bombay Legislative Council.

H. D. BHOSLE,

*Honorary Secretary,*  
D.I. Association.

G. C. KAKDE,

*Honorary General Secretary,*  
Servants of Somavamsi Society.

24th July, 1928.

## POONA.

Dated 23rd October, 1928.

PRESENT:

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT RAJA NAWAB ALI KHAN) AND OF THE BOMBAY PROVINCIAL COMMITTEE.

**Dr. B. R. AMBEDKAR** (a member of the Bombay Committee) and **Dr. P. G. SOLANKI** (representing the Depressed Classes), called and examined.

1. *Chairman*: Just to remind my colleagues, the documents we should have before us are Dr. Ambedkar's statement on behalf of the Depressed Classes' Institute of Bombay and the Joint Memorandum of the Depressed Indian Association, Bombay, and the Servants of Somavamsi Society. Dr. Ambedkar has changed his seat, because he is acting for the moment as one of our witnesses. Dr. Ambedkar, of course, we know as a member of the Bombay Committee. I think, Dr. Solanki, you or your Association is responsible for the other document?—(Dr. Solanki): I concur in the document submitted by Dr. Ambedkar.

2. I should like you to begin, Dr. Ambedkar, by helping us as to the sort of number of depressed classes in this Presidency. Can you help us about that?—(Dr. Ambedkar): I find that the depressed class population, as computed in the Memorandum submitted by the Government of Bombay is estimated at 1,478,390, as may be seen from page 3 of their Memorandum.\*

3. Let us see. They say, "The depressed classes, which include mostly the Dheds, Mangs, Mahars and Holiyas, number, according to the Census of 1921, 1,478,390 approximately." What do you say about that figure?—As you will see, the figure I have given on page 39 of my Memorandum is about 28 lakhs.

4. You think the number should be about 2,800,000?—Yes.

5. How does the discrepancy arise?—The first thing I should like to say is this, that the figures given by the Government of Bombay are taken, I believe, from the Census of India, 1921, Vol. 8, Bombay Presidency, Part II, the tables starting on page 176, while the figures which I give in my memorandum are from Chapter 11 of Vol. 1 of the Census of India, 1921. These are the figures estimated by the Director of Census, who has collected the figures of the different provinces, and his computations, which I have taken bodily, are given on page 39 of my memorandum, under the heading "Population of the Depressed Classes in India," and show the figures for the different provinces, giving the population of the depressed classes in each. Now, as we see, there is this discrepancy between the two sets of figures. These figures, of course, can never be exact, neither the provincial nor the central figures. In fact, if the Conference will refer to the remarks of the Director of the Census of India, which I commence quoting on page 39 of my memorandum, it will be seen that, after giving the total estimated population of the depressed classes he goes on to say (page 39 of memorandum, in italics), "This, however, must be taken as a low and conservative estimate since it does not include (1) the full strength of the castes and tribes concerned, and (2) the tribal aborigines most recently absorbed in Hinduism, many of whom are considered impure. We may confidently place the numbers of the depressed classes, all of whom are considered impure, at something between 55 and 60 millions in India proper." Then he gives the figures for each province.

6. Would you mind if I just try to clear my own mind, not by reference to precise figures, but by contrasting two conceptions. It is manifest that if some authorities, speaking with the precision of Census returns, give a total like 1,478,000, and other authorities, also speaking with precision, give a figure like 2,800,000, the second authorities must be including people not included by the first?—That is so, and I should, therefore, like to point out to the Conference that the provincial figures do not include certain castes which are, as a matter of fact, untouchable castes.

7. May we put it like this? See if I have it correct, and if I have not please tell me. I have been studying it as well as I can, although I have been looking forward to your help and that of Dr. Solanki. In one sense of the term, by "depressed classes" you might mean untouchables in the sense of persons who are Hindus, but who are denied access to the Hindu temples, might you not?—Yes.

8. In another sense you might include in the "depressed classes" not only those people whom I have described, but also the criminal tribes, the hill tribes and other people who no doubt are very low in the scale, but who are not, perhaps, in the narrower sense untouchables from the point of view of the Hindu hierarchy?—Quite.

9. Is not that a possible view?—That is a possible view.

10. Is not that the real explanation of why in some connections you get a certain figure for the depressed classes, meaning untouchables, persons who are refused admission to the Hindu temples, whereas on the other hand you sometimes get a bigger figure which would include these criminal and hill tribes?—I do not think that is so in this case, because the figures I have given seem to have reference to the depressed classes as distinct from the hill tribes and the criminal tribes.

11. Let me point this out to you. I have before me these three figures. I have got a figure of 1,478,000 odd for untouchables, taken from the Census of 1921, and made up of these Mahars, Dheds and other people. Then I have a long list of criminal tribes and so on, which adds up to 589,000—just over half-a-million. Then I have a third list of aborigines and hill tribes—Bhils, and people of that sort—and they add up to another million. If you were to add the aboriginal and criminal tribes in with the first figure, you would get a total approximately like the larger figure you give of 2,800,000?—The quotation I reproduce on page 39 of my memorandum from the remarks of the Directors of the Census gives me the impression that his figures are strictly for the depressed classes. My feeling is that the figures computed by the Director of the Census and referred to by him in the paragraph which I quote on page 39 of my memorandum are figures which apply only to the depressed classes.

12. \* \* \* I see that the Director of the Census of India for 1921 says this: "It has been usual in recent years to speak of a certain section of



23 October, 1928.]

Dr. B. R. AMBEDKAR and Dr. P. G. SOLANKI.

[Continued.]

often of the use of wells, of a house, of dharmashalas and things of that sort. In addition to these, speaking politically and constitutionally, we shall all agree there are others, not very advanced in the scale of civilisation, such as Sir Hari Singh Gour has referred to—criminal tribes, fall tribes and even—who are also inhabitants of India and as such demand our attention.

*Sir Hari Singh Gour.* The Hindus are divided into four castes. The Sudras cannot get into the temples.

*Chairman.* I think we all appreciate that. However, we are not engaged in making laws for the Hindu religion, but in considering the structure of the constitution of British India, which is a very different thing.

31. Taking that route, what is it that you want to report as the proper way in which the constitution of India, and more particularly the constitution of the Bombay Presidency, should deal with these people?—The first thing I would like to enter is that we claim that we must be treated as a distinct minority, separate from the Hindu community. Our minority claim has been hitherto created by our inclusion in the Hindu community, but as a matter of fact there is really no link between the depressed classes and the Hindu community. The first point, therefore, I would stress before the Conference is that we must be regarded as a distinct and independent minority. Secondly, I should like to submit that the depressed classes minority needs far greater political protection than any other minority in British India, for the simple reason that it is educationally very backward, that it is economically poor, socially enslaved, and suffers from certain grave political disabilities, from which no other community suffers. Then I would submit that, as a matter of demand for our political protection, we claim representation on the same basis as the Mahomedan minority. We claim reserved seats if accompanied by adult franchise.

32. And if there is not adult franchise?—Then we would ask for separate electorates. Further, we would like to have certain safeguards either in the constitution, if it is possible, or else in the way of advice in the Instrument to the Governor regarding the education of the depressed classes and their entry into the public services.

33. May we just ask Dr. Solanki if he agrees in these points?—(Dr. Solanki) I agree with all the points.

37. Then we may take it that that is the view of both you gentlemen?—Yes.

38. Would it be convenient if I asked a question or two on these points as we go? You claim that the depressed class, although included within Hinduism in a sense, should none the less be regarded from the point of view of the constitution as a distinct and separate community from others who are within Hinduism?—(Dr. Ambedkar) Yes.

39. Is that on the ground that in your view the depressed classes cannot expect to have their interests satisfactorily represented by the higher ranks of Hinduism?—That is one ground, but as a matter of fact really we cannot be deemed to be part of the Hindu community.

40. You come, I believe, from an earlier set of inhabitants of this continent?—That is one view, I think.

41. It is supposed—we will not go into details—that you are pre-Aryan?—Well, I do not know. That is a view.

43. I only ask you the question because there are some very distinguished Hindu public men—I do not mention any names—who have undoubtedly exhibited a good deal of interest in the case of the depressed classes. There is no question about that?—Yes, there is a great deal of public talk.

44. I know; but, at any rate, that is your view: you say you must be regarded as a distinct and sepa-

rate community from the constitutional point of view?—Yes.

45. As regards representation, I notice that whether there is adult franchise, or whether there is not adult franchise, you seem to be abandoning any idea of nomination, you want electors?—Yes.

46. Is that the view of both of you?—(Dr. Solanki) Yes.

47. That means, of course, that you have to make a list of voters?—Yes.

48. And you have to make sure that the man who comes to vote is the man on the list, and nobody else?—Yes.

49. Could you give me an estimate at all, Dr. Ambedkar, of what percentage of the population whom you call the depressed classes can read?—(Dr. Ambedkar) In a separate memorandum which I have submitted to the Commission on education in the Bombay Presidency I give the figures.

50. I am afraid it is a very small proportion?—Quite.

51. After all, one of the complaints that are made is that they have not had as free access to schools as more fortunate people?—Quite so.

52. So it would mean, would it not, if it was done by electors, that it would almost entirely have to be done by people voting who could not themselves understand the ballot paper?—Yes. That is true of the majority of voters even to-day.

53. True. Now, would you tell me how many reserved seats in the Bombay Presidency you would suggest as proper, assuming adult suffrage for the depressed classes?—In the scheme that I have prepared I say out of 140 we claim 22 seats.

54. What you suggest is that if the total number of members of the Bombay Council, all elected, was 140, then you think that the body for which you wish to speak should have 22 elective seats?—Yes.

55. And supposing, to take your other alternative, there is no adult franchise, then you are asking for separate electorates. Do you still want 22 seats?—Yes.

56. The only other thing I will ask you is this. I think Mr. Rajah probably will be glad to put a few questions himself to bring out the social condition. At present I think in the Bombay Legislative Council there are two members, are there not, who are nominated to represent the depressed classes?—That is so.

57. You yourself being one of them?—Yes.

58. And Dr. Solanki being the other?—Yes.

59. Was that based on the Southborough Committee's Report?—Yes, I believe so.

60. I believe you gave evidence before the Southborough Committee?—Yes.

61. I have been reading your evidence before that Committee, and I was looking to see how many members you said there were of the depressed classes. I think you point out in your memorandum, in a note at the bottom of page 82, that the figure of the depressed classes given by the Southborough Committee for the Bombay Presidency was 577,000?—Yes.

62. I think your view is that that was an error?—Yes, a very large error.

63. Can you tell me, as a matter of fact, how they arrived at it? Do you know at all?—They simply took, I think, a small table with regard to castes which cause pollution.

64. It was taking a still narrower definition of what constituted the depressed classes?—Yes.

65. Mr. Horthorne? I notice in this note you say, after referring to the figure of the Southborough Committee of 577,000, "According to the authority relied upon by the Southborough Committee, the population of the depressed classes in the Bombay Presidency in 1911 was 2,145,000."—In the Census.

66. That is the authority they relied upon? That was what I wanted to know?—Yes. The authority gave two different figures on two different pages. If I remember correctly, on one page they gave the smaller figure, and they took that up, and as soon as the Report of the Southborough Committee was

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Dr. B. R. AMBEDKAR and Dr. P. G. SOLANKI.

[Continued.]

published we protested against this estimate to the Government of Bombay.

67. *Chairman*: I think it is quite clear what the 2,100,000 was. It was the result of adding together in the Census of 1921 the figure given for the untouchables, which, as I have said, was 1,478,000, and the figure given for the criminal tribes, which was something like 623,000. Adding those two together, you would get the 2,100,000?—Yes.

68. And it was leaving out the aboriginal and hill tribes. It must have been?—Yes.

69. *Mr. Miller*: I should like to ask about the position in some of the Indian States. In Baroda and one other State, I think, where some special facilities are shown, are those special facilities anything beyond education facilities?—No, nothing beyond that.

70. Could you obtain service with the State?—I should think it would be very difficult.

71. You are particularly anxious to get appointments in the public service?—Yes, decidedly.

72. Why is that so?—On that point I should like to say this, that our experience so far as the administration of the law is concerned is very bitter. I wish to say most emphatically that in many cases the law is administered to the disadvantage of the depressed-class man. I would like to give a concrete case of what actually happened in one of the districts, without, of course, mentioning names. The Bombay Government annually lets out its forest lands for cultivation to the villages on certain stated terms. Now, we discovered that in the allotment of those forest lands the depressed-class man, who was often a landless labourer or with very little land, and who was clamouring for some sort of economic stability, never came in for a share. The Mamlatdars, who were really in charge of distributing the lands, showed absolute favouritism to the caste Hindu as against the depressed-class man. Last year in one district we organised and sent a deputation to the Assistant Deputy Collector of that district, placing before him our grievances with respect to these forest lands. He issued a circular to the Mamlatdars saying that the applications from the depressed classes should be considered. Now, some of the Mamlatdars, to show they were acting up to the circular, did give some lands to the depressed classes. But we found that they rather fooled us, if I may say so. What they did was, on paper they allotted a very large amount of land to the depressed classes and a very small amount of land to the caste Hindus, but when we came to see actually what was allotted to us we found that the land allotted to the depressed classes was all rocky and unfit for cultivation and the depressed-class people would not take it for anything, and the land allotted to the caste Hindus, though small, was all rich and fertile. Now, I think that is a most flagrant abuse of the administrative power which is entrusted to the officials, and I personally attach far more importance to good administration of law than to mere efficient administration of law.

73. *Chairman*: I imagine that the application of what you have told us, which is interesting, to our present inquiry is really this—because, of course, it is no part of the function of this Commission to interfere in day-by-day administration?—No.

74. You are using it as an argument to support your view that the depressed classes should have a full representation?—In the services.

75. That is your point?—That is my point. I will give some more instances of what happens in judicial courts actually in this Presidency. I happened to defend a depressed-class man in one of the courts, and, to my great surprise, I found that the man had to stand outside the court behind a little window, outside the wall, and he would not come in simply because, he said, "It is all right so far as you are concerned, but after you have left there will be terrible social ostracism if I enter the court."

76. It was the client who did not want to come in?—Who dare not come in.

77. What sort of social ostracism had he in mind?—The social ostracism would be that if he went back to the village there would be the boycott of the shopkeepers; nobody would sell him grain. The villagers would stop his dues as a village servant. He would not be allowed to come into the village. The depressed-class people always live on the border of the village, not in the centre or in the midst.

78. Your point would be that he was timid about coming into court on this occasion because he thought that afterwards the other people of the village, not his own lot but the others, the caste people, would regard him as having pushed himself in where he should not go?—Certainly—having exceeded the bounds of his social status.

79. That is a single case, is it?—I have had that experience, but I think that the existence of a circular of the Bombay High Court to the effect that the depressed classes must be allowed entry in the courts indicates that that is often the case. There must be some reason for that circular.

80. *Mr. Miller*: The only other question I want to ask is this. If you got these 22 seats in the Council do you think you could bring forward 22 suitable men?—Yes, I think so.

81. *Khan Sahib Abdul Latif*: Would you please enlighten the members of the Conference as to the fate of the minorities in the Bombay Council, when the official bloc is withdrawn for certain reasons?—I quite see that the fate of the minorities would be precarious. It has been precarious.

82. Did the honourable Minister belonging to the advanced class show any consideration to the project, or the feelings of Mahomedans, non-Brahmins, or depressed classes?—No, not at all.

83. Do the minor communities stand any chance of getting through any legislation in the Bombay Legislative Council, or get any chance to move it?—Their chances would be almost nil.

\* \* \* \* \*

98. *Sardar Mufumdar*: Is it not a fact that different kinds of caste among the depressed classes are known as the depressed classes; that is to say, there are different kinds of castes even among the depressed classes?—Yes, of course.

99. Can you give me approximately the number of those castes?—I think you will find them in the Census, the different castes enumerated as untouchables.

100. Can you give me any idea of the number of different castes?—About a dozen or so. The Census gives it.

101. How many castes are included in the depressed classes in Bombay?—Almost all the castes.

102. Then the members of the different castes are members of your organisation?—Quite; it is a general body inclusive of all the depressed classes.

103. So that among the depressed classes are included all those?—Yes.

104. Have you taken into consideration the claims of the Bhils and Wadias and other persons?—No.

105. What do you say about the protection of those minorities?—I think that they also should be allowed some protection by representation.

106. Do you not think that even among the backward classes there are certain communities, who are in a minority?—Yes.

106A. Then has the present constitution any provision to protect their interests?

*Chairman*: Are these castes to which you refer refused admission to the Hindu temples?

*Sardar Mufumdar*: No, they are allowed to go into them.

*Chairman*: This morning we are really considering the case of untouchables, and persons who are quite outside the Hindu temple scheme. I do not think we can go into the question of the backward classes, who would be admitted to the Hindu temples.

*Sardar Mufumdar*: What I submit is that there are various minorities even amongst the backward classes. We are not concerned with the question of



Dr. H. B. Anderson and Dr. P. G. Foxwell.

... and to protect the interests of the public.

1. The first of these is the fact that the  
the first of these is the fact that the

[illegible]

1. The first of these is the fact that the Government has not yet decided whether it will accept the offer of the United States to purchase the rights in the patent for the atomic bomb. This is a very important decision, and it is one which the Government should make as soon as possible. The United States has offered to purchase the rights in the patent for the atomic bomb for the sum of \$200,000. This is a very large sum of money, and it is one which the Government should consider carefully. The Government should also consider the fact that the United States has offered to purchase the rights in the patent for the atomic bomb for the sum of \$200,000. This is a very large sum of money, and it is one which the Government should consider carefully.

[illegible]

149. Now I am satisfied if the franchise was  
reduced to half of what it is in the rural areas. Well,  
I am already satisfied upon a full franchise. That was  
the dream of the bottom, on that principle I would  
not say I agree, but I certainly would not say  
I am in the context with that.

the World Bank extend a full college to the  
major cities and to the agricultural and fishery  
sectors.

112 He would like to exclude it -- and give  
the situation and ourselves a full explanation.

I will say one thing. With regard to the criminal trial, it might not be a good thing to give them a full veto, because by comparison they are a people who have more the interest of their own particular community in their mind, and they are not very particular as regards the means whereby they earn their living, but I do not think there is any harm in giving them the right to vote.

117 They should be given the right to vote, or should their interests be protected by nomination?—They should be protected somewhat, I do not much mind how. My feeling is that every man is intelligent enough to understand exactly what he wants. Literacy has not much bearing on this point; a man may be illiterate, nonetheless he may be very intelligent.

114. Do not you think that this separate representation will lead to communal tension? It is stated that communal tension is due to separate representation and separate electorates. Is that your belief?—Even assuming it does lead to tension, I do not see how you can get rid of it. Whether it does lead to tension is questionable, but I do not see in any case how you can get rid of it, having regard to the fact that society is divided into classes and communities.

115. Do not you think it is the root cause of disension?—I do not think so, but I do say this; as a result of communal representation, the leaders of the communities are less prone to compromise than they would otherwise be. That is my feeling, but I do not think it leads to communal riots, which are due, I think, to something very different.

116. *Syed Miran Muhammad Shah*: Would you not suggest that by taking away the official block, non-officials may be nominated in order?—I do not want nomination.

117. *May 1. Attlee:* Are there members of the depressed class working in industry, in the cotton mills and so on? All of them. The depressed class men are all laborers.

He: You have not got my point; I am talking of industry. You have millions of the depressed classes who work in villages, for the most part in certain occupations. But are there large numbers of the depressed classes engaged in industries? A very large number.

The box would have a very large number in a  
place like Boston City-Box.

129 Do they cease in any degree to be untouched? No. I should like to point out this. The department before me is entirely kept out of the war-making department, the most paying department. He can only enter departments like the throttle department and all others.

121. Why is this account of unobservability.

122 When he is working there he is working alongside people of all castes—Not quite. The department is discriminated according to caste. One department is entirely manned by the depressed classes, another—say the weaving department—by Muslims and caste Hindus.

(2) Do they take part in the trade movement?—Yes, they are beginning to do so.

121. Will members of the classes above the designated classes?—Yes.

125 I wanted to get this point from you. You put forward a claim for representation of the depressed class on the basis of numbers. Now, we have claims put forward on a different basis altogether; on, say, the basis of class. You get a cross-division in that way, because a man can be a depressed-class man and he can also be a laborer—he is usually, if not always, a laborer.

10. That is rather a play on words, is not it? I am speaking of capital and labour, of labour in big industries, not of the ordinary unorganised labour. I am speaking of organised labour. How are you going to get over the difficulty? If you are going to have representation by social status in one case and by industry in another, you are going to get a contradiction. How will you get over that?—There will be some provision for organised labour, and the majority of the depressed classes are labourers.

127. *Mr. Horthorn:* I think, Dr. Ambedkar, you have made it pretty clear that you are in favour of adult suffrage. You say on page 41 of your memorandum, however, "The Sabha would, however, be content if the franchise for the Legislative Council is fixed at the same level as that for the Taluka Local Board in the rural parts and Rs. 3 rental per month in the urban parts of the Presidency." Have you formed any opinion, or are any statistics available to enable us to know to what extent the franchise would be extended on that qualification?—I may tell you that I am myself shaky about that statement. I do not mind admitting that. Such information as I have been able to gather from the depressed classes in the mofussils, however, leads me to believe that the existing taluka local franchise does produce a certain number of voters from the depressed classes.

128. I was not quite thinking of that. Could you tell us the increase in the number of persons who would become voters in the Bombay Presidency if this qualification rather than the present one were adopted?—I do not think I can give you any very definite information on this point.

129. May I revert to a question put to you by Major Attlee. I gather the depressed classes work in the factories in isolation?—In isolation, yes.

130. They have their own shed and their own department?—Their own department; there are no sheds.

131. Whatever it is, they are separated from the other workers in the factory?—I would rather put it in this way, that certain departments are exclusively assigned to the depressed classes and certain depart-

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[Continued.]

ments are departments into which they are not allowed to enter.

132. Certain kinds of occupations are forbidden them?—In the mills, yes.

133. I think you said they are not allowed to go into the weaving department?—Yes.

134. If they became members of the same trade union, would the workers in the weaving department decline to allow them in?—They would decline to allow them in. If I may mention one thing, in the recent Bombay strike this matter was brought up prominently by me. I said to the members of the union that if they did not recognise the right of the depressed classes to work in all the departments, I would rather dissuade the depressed classes from taking part in the strike. They afterwards consented, most reluctantly, to include this as one of their demands, and when they presented this to the mill owners the mill owners very rightly snubbed them and said that if this was an injustice, they certainly were not responsible for it.

135. It is not altogether merely a case of the employers wanting to get cheap labour and confining certain departments to the depressed classes for economic reasons?—No, it is untouchability.

136. Would there be anything of this in the situation? The better-paid Indian, say, declines to allow the untouchable to come into his department for fear the effect of their lower wages would be to depress wages in his department?—No. There is no distinction on the basis of wages.

137. That does not come into it at all?—No, not at all.

138. It is merely a question of untouchability?—Quite so.

139. Mr. Cadogan: They can be members of the trade union?—Yes.

140. Mr. Premchand: Can you give me a strict definition of the classes who will be on a special register of the electorate as the depressed classes?—Castes which cause pollution.

141. Is the principle that the lower the standing of a community, the greater the electoral advantage it should command over others, justifiable?—Yes.

142. If all minorities are granted additional seats, what then will constitute the majority?—If minorities put together make up a majority there is no majority and the question does not arise. There may be class distinctions among the minorities. I can quite conceive the Mahomedans in the Bombay Presidency being divided into two groups, one favouring the capitalists and one the labourers.

143. Is not it true that people who are not politically minded or trained are frequently led astray by professional leaders?—I do not know. I have never been a professional leader, so I cannot say.

144. Would not the extension of the franchise to the large majority of the uneducated section of society be fraught with danger and render it liable to abuse?—No, I do not think so.

145. Can you tell me why it is not possible to admit members of the depressed classes to our present schools and colleges without the necessity for a charge on the revenue of the Province?—Because they are hopelessly neglected under the present system.

146. Why is not it possible to admit members of the depressed classes to our present schools and colleges without the necessity for a charge on the revenues of the Province?—You should ask those who refuse what their reason for refusal is.

147. Refusal of what?—To admit them.

148. To the colleges and schools?—Yes.

149. Do you know the Bombay Municipality has passed a rule now — ?—And you know also of the protest meeting which was held in Bombay.

150. There may have been a protest by one section, but the Municipality has removed all those restrictions?—It remains to be seen how far they will stick to it at the next election.

151. But they have done it, you know?—Yes.

152. Chairman: Might we know what is the protest meeting to which he refers?—The position is this. Hitherto the Bombay Municipality has had separate schools for the depressed classes in the City of Bombay. Now, under the scheme of compulsory primary education, the Bombay Municipality is compelled to limit the number of schools and bring together the scattered children of the depressed classes into the schools of the caste Hindus as a measure of economy. Naturally, some provision has to be made for water and other amenities for the children who attend. The question arose whether there should be a distinction in the drinking arrangements, whether the untouchables should have separate pots for drinking from the caste Hindus. The Municipality passed a resolution saying "We cannot recognise untouchability in our own schools," and they issued a circular that there should be no distinction as to drinking pots in their schools. This protest meeting was a meeting held under the presidency of an important Hindu leader of Bombay to protest against that kind of uniform arrangement being made, as being against the Hindu religion.

153. Mr. Premchand: Do you know the depressed classes are employed in the weaving departments of the Ahmedabad mills?—I did not know that.

154. I can tell you they are.—There again I should like to say one thing, probably they are employed exclusively. I can quite conceive of a situation where, for instance, so many looms are exclusively handed over to the depressed classes. To-day there is a proposal also in certain mills that the depressed classes should take charge of the whole of the weaving department, that the millowners should hand it over to them, but you cannot have part depressed classes and part caste Hindus.

155. Chairman: The difficulty is the mixture?—Yes.

156. Sir Hari Singh Gour: What is the view of your Institute in regard to the general scheme of constitutional reform? Have you formulated any views at all on the subject?—I may tell you this. The depressed classes as such, of course, are not very much interested in constitutional questions; they are more interested in obtaining the guarantees and protection they require, under whatever form of Government that may come to be. Therefore, I do not think that the depressed classes as such have any definite views as to the form of Provincial Government or the form of the Central Government; but, of course, I have my own individual views as a member of the depressed classes, without these being the views of the depressed classes themselves. It is on that account that nothing is said about the constitution in my Memorandum.

157. I am aware of that, and that is why I asked you that question. What are your personal views?—So far as the Provincial Government is concerned, I am in favour of provincial autonomy.

158. Qualified or unqualified?—I think there might be some safeguards with regard to the transfer of law and order. It is not that I object to the transfer of law and order; I am in favour of the transfer; but still I should like some safeguard. I am not certain to-day what it should be, but there might be with advantage some safeguard in that respect. Barring that, I am in favour (speaking personally) of full provincial autonomy.

159. What about the Central Government?—I think we might start with dyarchy there.

160. As regards adult suffrage, I suppose you are in favour of adult male and female suffrage?—Yes.

161. Do you think that is a practical proposition?—Very practical.

162. Do you think the masses have attained any degree of political consciousness, so as to be able to use that political suffrage with any advantage to their own community?—Speaking only on behalf of the depressed classes, I emphatically maintain that the depressed classes will exercise their vote in a most intelligent manner, speaking for the Bombay Presidency. Having regard to the fact that the canker of untouchability is before their minds every minute of their lives, and having regard to their being alive to

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the fact that political power is the only solvent of this difficulty, I emphatically maintain that the depressed class voter would be an intelligent voter.

163. Do not you think that, following the example of other countries, those who pay no taxes, having a political existence and possessing political power, will tax those who are already oppressed with heavy taxes?—I think that should be so. I do not see anything wrong in it.

164. You see no wrong in the exploitation of the taxpaying community? Is this your own opinion or the opinion of the Institute which you represent?—My own opinion. The Institute has said nothing about it here.

165. Do you think you reflect the general opinion of your Institute in conveying this view to the Commission?—I think that would be the view of all poor communities.

167. *Sir Hari Singh Gour:* In answer to the Chairman, you said the depressed classes must be regarded as a distinct community, a community distinct from the Hindu community. Do you apply that only for electoral purposes, or for all purposes?—They are distinct for all purposes, as a matter of fact.

168. Would you class the depressed classes as real Hindus?—I do not care about the nomenclature. It does not matter whether I call myself a Hindu or a non-Hindu, as long as I am outside the pale of the Hindu community.

170. It makes all the difference in the world. If you were outside the pale of Hinduism you would not be subject to Hindu law. You could not, for instance, contract a marriage under the Act 30, of 1923, which has completely abolished all caste so far as the marriage law is concerned between a Hindu and a Mahar, touchable and untouchable. Now, if you go out of that community, out of that social system, and call yourself a non-Hindu, you will be outside the pale of Hindu law to that extent?—It might be.

171. Then by what law would you be governed?—We are governed by the Hindu law, just as, for instance, the Khojas, who are Mahomedans, prefer to be governed by Hindu law so far as the devolution of property is concerned.

172. And you are under the Act 30 of 1923; you are under Hindu law?—I do not know what the depressed classes would think about marriage.

173. Would you kindly turn to your memorandum? You say at page 39, and you also repeated it to-day in answer to my friend Mr. Kikabhai, "the standing of the community must mean its power to protect itself in the social struggle. That power would obviously depend upon the educational and economic status of the community."—Quite.

174. It follows from the recognition of the principle that the lower the standing of a community, the greater electoral advantage it must get over the rest. Do you adduce this last sentence as a logical deduction from the premises, from the previous two sentences?—Yes.

175. You regard that as a logical deduction?—Yes, quite.

176. \* \* \* I wish to draw your attention to the fact that you say: "In addition to the demand for adequate representation, the Sabha feels that it must also demand the inclusion of clauses in the constitution of the country." Now, amongst these clauses you find things like this mentioned: "the right of every depressed class to the appointment of a special inspector of police from amongst themselves"?—Yes.

177. Do you expect that an Act of Parliament should contain a clause to this effect, that the depressed classes in India shall have an inspector of police in every district from amongst themselves?—I really do not see anything strange in that.

178. Supposing there was a provision to that effect relating to all communities (because if you have got certain constitutional guarantees it follows by necessary implication that other communities have an equal right), then you parcel out all the official posts and you parcel out all the other things amongst the various communities, and that is the constitution that you foresee for India?—I do not know that. I am only speaking for the depressed classes. May I just make one thing clear?

179. May I just complete my sentence. That is a contingency that does not arouse any apprehension in your mind?—Just let me explain before you go further. I think we must be very careful in using the word "minority." I do not think simply because a community happens to be a community composed of small numbers it is therefore necessarily a minority for political purposes. A minority which is oppressed, or whose rights are denied or the majority, would be a minority that would be fit for consideration for political purposes.

180. Wherever you have these minorities in other countries, there is provision made, there is sometimes a minister for the protection of minorities. Have you thought about that?—Yes.

181. Supposing we gave you the protection?—The protection might be given in any form, and if I may say so—I am sorry to interrupt you—I do find that the new constitutions that have been framed after the peace for the various European countries composing the bulk of the Slavonic nations very largely embody this principle. I have devoted some special attention to this subject, if you will permit me to say so.

182. *Lord Burnham:* And carried out?—And made part of the Constitution.

183. And carried out in practice too?—Carried out in practice; and the point is this, that if a minority feels that the guarantee has not been fulfilled, it has the right of appeal to the League of Nations.

186. I am not quarrelling with the principle.—And I may say I am not very particular about the form.

187. If the details of the scheme which you have adumbrated were to be introduced into the constitution of this country, would it not lead to a perpetual class war?—It might, but that would depend upon the attitude of the majority.

188. Therefore you would not, as a sagacious statesman—if you will permit me to say so, all these things, though I insist upon them, I admit to be provisions of a transitory character. I do contemplate, and I do desire, the time when India shall be one; and I believe that a time will come when, for instance, all these things will not be necessary; but all that would depend upon the attitude of the majority towards the minority.

197. Now, you mentioned a case that you conducted on behalf of a member of the depressed class, who, from fear of social ostracism, stood outside near the window. What district was it?—Khandesh district.

198. What court was it?—Magistrate's court.

199. Ordinary Magistrate's court?—The stipendiary Magistrate's court.

200. What caste was the magistrate?—A Hindu.

201. He did not object to the accused coming into the court?—No, I say the accused himself would not come in.

202. The accused himself was terrorised by the past acts of the Hindus?—Yes.

203. The fear had been engendered in the minds of the depressed classes on account of the oppression of the caste Hindus that he would not get a square deal thereafter if he was to trench upon the limited rights which he had been given by the caste Hindus?—Yes.

204. *Sir Hari Singh Gour:* I think you will admit, Dr. Ambedkar, that during the last few years there

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[Continued.]

has been a forward movement in the way of removing untouchability and removing all disqualifications from the path of the depressed classes?—Yes.

205. I admit that the reforms have not been commensurate with your desires and mind, but at the same time, we have to recognise that there is a growing feeling that there must be a consolidation of the Hindu people by removing all these barriers that stand between the castes and the non-caste Hindus. You recognise that?—Yes, there are speeches from the platform.

206. There are positive actions?—Speaking for my part of the country, the Bombay Presidency, I would rather hesitate to accept your proposition.

207. Therefore, I will give you examples. Every year, for instance, wherever there is a caste and non-caste society, Hindus hold annual dinners, and they all sit together for the purpose of making one class of people accustomed to the other class of people?—I am not aware of it in this Presidency.

208. I have attended several of them.—In this Presidency?

No, in Nagpur.

209. There is no such movement here?—No.

210. But you admit that there is recognition of the fact that oppression and untouchability must go, and that every effort to suggest anything in that way receives sympathetic consideration from the caste Hindus, and particularly from the Reformers?—I would hesitate, again, to answer that.

Chairman: Would you agree, in order to get this witness's view of the facts, that I should ask two or three questions on your line?

Sir Hari Singh Gour: Yes, Sir, certainly.

211. Chairman: Mr. Rajah would be, in many ways the best person to do it, but I wish you would tell us your own view. Compare twenty years ago with now in the Bombay Presidency. How many years, if I may ask, have you been here?—Five or six years.

212. You have, of course, taken an interest in your own community since long before that?—Yes.

213. You can look back twenty years and give us some idea?—Yes.

214. Let me take two or three things. First of all I imagine that there is no change at all so far as regards the admission of the depressed classes to the interior of a Hindu temple. That, of course, is a matter of religious practice and teaching. I do not criticise it, but there is no change at all?—No, there is no change at all in that respect.

215. What I want to know is this. Let us take two or three definite things in this Presidency. In the country districts, you have told us that as a rule the depressed classes, the untouchables, live in a place for themselves. Of course, we have seen it many times. Sometimes they live in a corner of the village, if it happens to be a Hindu village, and sometimes in a hamlet of their own. Now is there any change in the last twenty years as regards their living among the general communities?—No change.

216. We saw some of the villages the other day. We understand some of them can draw water from the river, but I suppose there are other villages that rely on wells?—Even in the case of rivers they can take water only from a portion of the river. A point on the river is appointed for them.

217. That is to say, the depressed classes will draw water at a point lower down than the caste Hindus?—Yes.

218. Now let us take the case of villages that rely on wells. It is not uncommon?—No, not uncommon.

219. I am anxious to know and I hope you will tell me quite frankly, is there in that respect any improvement in the last twenty years?—No.

220. Your attention has been called to the fact that there have been resolutions passed on this subject?—Yes, only resolutions.

221. It is suggested that untouchability sometimes goes to such a length that the actual contact with the man (or sometimes his shadow itself) is regarded

socially by those of the higher castes as a pollution?—Yes.

222. Is there an improvement in that respect?—There is an improvement in that respect.

223. I am glad to hear that. That is, whereas 20 years ago a caste Hindu who found himself in close contact with an untouchable would possibly think it his religious duty to purify himself, it is not viewed with so much strictness now; is that correct?—Yes.

224. Then, of course, as compared with twenty years ago I imagine that there are some members of the depressed classes who have in fact risen very much in the professional scale. Twenty years ago were there depressed classes who were practising at the Bar in Bombay?—No.

225. How many members of the depressed classes practise at the Bar now?—I am the only man.

226. I think we were told yesterday that in the list of voters for the Sardars and Inamdars there were two members of the depressed classes?—Only one. His position is different. His jagir was granted by the Peshwas for the services rendered on the battlefield. His title was not given by the British Government.

227. What one notices is that in India there is gradually being introduced the motor bus connecting the town with the village and I see them going along the road. Are those public vehicles open to the depressed classes?—Not in villages. There are a great many villages where the depressed classes are not allowed to travel in these buses.

228. Who prevents them?—The driver would not take them.

229. One would expect the driver to take anybody who pays. Why does he not take them?—Because if he takes them the other people will not come into his car. For instance, the barber here would not shave my head even though I offer him a rupee.

230. Rao Saheb Patil: According to law the driver would be prosecuted if he refuses to take any passenger?—That can be evaded by saying that all seats are booked.

231. Are matters improving in that respect?—Yes, they are improving; but still there are numerous cases where the depressed classes would not be allowed to enter into these buses.

232. Let us take the depressed classes who are employed in the mills in Bombay. Some of them go in trams, I suppose. Do you suggest that they are not allowed to use the trams?—There was a case two years ago where a Bhungi was not allowed to board a tram.

233. When you speak of the case two years ago it suggests to me that it is rather exceptional than a rule?—I have seen, for instance, when I was travelling by the B.B. & C.I. Railway hundreds of cases where the passengers obstructed the depressed classes coming into the compartments.

234. Sir Hari Singh Gour: With regard to the case of the Bhungi which you mentioned, are you sure if he was not properly attired and therefore he was not allowed to get into the tram?—I do not know about that.

235. Before a man gets into the tram he is not asked to which caste he belongs; they only ask him whether he has got the fare, is it not?—But people can easily recognise him.

236. That is on account of his dress?—But he will be dealt with very badly when once he is recognised to belong to the depressed classes.

237. Apart from the question of caste there is also the question of costume?—Yes, but some of the members of the depressed class are very well dressed.

238. In the Bombay Presidency you have no such thing as to consider it a pollution to walk in the shadow of a depressed-class member?—Yes, it exists in some parts of the Konkan and in Kathiawad.

239. It is on the wane?—Yes.

240. With regard to the Ambalal Saralal School in Ahmedabad, has not his sister started the school for depressed classes?—That is the only honourable exception.



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263. *Rao Bahadur Rajah*: Will you kindly enlighten us as to the attitude of the schoolmasters or the Education Department or the managers of schools towards the children of the depressed classes?—There is a circular issued by Dr. Paranjpyo when he was Minister of Education in this Presidency to the effect that children of depressed classes should be admitted in all schools. But our experience is that that circular has not been carried out at all. It is true that in the report of the Director of Public Instruction it is stated that that circular has been carried into effect; but I beg to differ from that view. It is not a correct statement of facts as they exist to-day. There is an incident here at Poona which took place only a few days ago, at Deoo, where the children of the depressed classes were refused admission and when they insisted on it the village proclaimed social boycott against the depressed classes.

264. *Chairman*: The memorandum refers to that report?—Yes, that is not a correct statement of facts as I said. I beg to differ from that.

265. *Rao Bahadur Rajah*: I understood from Mr. Griffith that in his view there are reasons why the depressed classes could not be taken into the police department as the duties of the police involved house searches and arrests. Supposing, for the sake of argument, that is true, would there be similar objection to the recruitment of the depressed class members to other subordinate and provincial services?—There ought to be none; but, as a matter of fact, I find that there are so many objections raised.

266. You are a member of the Local Legislative Council?—Yes.

267. What is your experience as regards the attitude of the higher caste members of the local Council towards our community?—One cannot say it is favourable to the depressed classes.

268. What is the attitude of the Government towards the members of our community in your Provinces?—Very apathetic.

269. I suppose you have got honorary bench magistrates' courts in this Presidency. Are there any members of the depressed classes on these boards?—There are none and we are trying to get some on the bench of magistrates, but without effect. Perhaps it might be interesting to the Conference if I read in this connection a letter written by the Collector of the Khandesh district to a member of the depressed classes when he applied for an appointment on the bench. This letter also gives the reasons why he should not be appointed to the place, and it reads thus:—

—No. I would insist on our representative being elected.

275. If you cannot get the election on the terms proposed, you would prefer adult franchise?—Yes.

276. *Chairman*: You have spoken of your strong preference for the representation of the depressed classes being secured by the method of election. Are you satisfied, supposing the method was the method of election, that the result would be that you will get elected those who were really the best spokesmen for the depressed classes?—I believe so.

277. You do not feel anxious that influences which were really against the interests of the depressed classes will get to work?—I admit that and that is why I want adult suffrage.

278. You think that the influence will cease because of the adult suffrage?—That will be counterbalanced.

279. Supposing that a member of the depressed classes has the necessary qualification, does he vote in a general constituency?—He does.

## Memorandum submitted by the Bombay Provincial Non-Brahmin Party.

We, the Secretaries, on behalf of the Committee and the members of the Bombay Provincial non-Brahmin Party, have the honour to address you on the subject of Political Reforms within the Province of Bombay. Our proposals refer specially to the Marathi and Kanarese speaking districts.

In accordance with a resolution passed at an annual session of the Bombay Provincial non-Brahmin Party, held at Kalyan, in the District of Thana, on the 15th of July, 1928, for the purpose of preparing a Memorandum to Statutory Commission. A Committee was appointed, with power to co-opt, consisting of the following members:—

- (1) The Hon. Mr. B. V. Jadhav, Minister of Agriculture to the Bombay Government.
- (2) Rao Bahadur S. T. Kambali, Deputy-President of the Bombay Legislative Council.
- (3) Rao Sahib, D. R. Patil, M.L.C. Member of the Provincial Committee appointed to assist Indian Statutory Commission.
- (4) Mr. N. P. Nawale, B.A., LL.B., M.L.C.
- (5) Mr. S. K. Bole, M.L.C., J.P.
- (6) Mr. K. S. Gupta, B.A., LL.B.
- (7) Mr. K. M. Jedhe, and
- (8) Mr. D. S. Javalkar, Secretaries.

Jedhe Mansion, Poona City,  
15th October, 1928.

**Non-Brahmin Party.**—For the proper appreciation of the growth of the party it is not necessary to trace the relations between the Brahmins and the non-Brahmins from ancient times. It is sufficient to state that, in spite of the advent of the British, the Brahmins in the Deccan retained their political supremacy, and their authority in social and religious matters remains unchallenged. With their wonderful organisation and selfishness they managed in a clever manner to influence the administration of the country. It was to their interest to maintain the caste system, which every sensible man would condemn as a serious hindrance to the social, economic and industrial progress of the country. With all that the British occupation had its advantages, and with the spread of education the Brahmin v. non-Brahmin movement, gradually gained ground. It found expressions in the organisation of the Satya Shodhak-Samaj, a society which has been playing a conspicuous part in the advancement of the non-Brahmin cause. This Samaj was founded by Mahatma Jotirao Phule, of Poona, in 1873, with the object of emancipating the non-Brahmin communities from the state of intellectual, religious and social bondage into which they had been forced by the Brahmin priests. The result of the propaganda on the part of the Satya Samajists was that non-Brahmins became conscious of their social position.

Before the inauguration of the Reforms the non-Brahmin leaders were fighting their way for the social amelioration and the uplift and the religious emancipation of the non-Brahmin communities. Since their introduction the non-Brahmins became alive to their rights in the political fields. They started organising themselves, moved among the masses, agitated amongst them and succeeded in getting some special representation for the principal backward communities. This was a triumph in some measure for the non-Brahmin movement that the principle for which it stood and fought was recognised.

The political platform of the non-Brahmin Party has always been moderate both in views and aspirations. We have been from the very beginning trying to work the Reforms to the best of our abilities. Our aims are directed principally towards social reforms, consisting mainly of the education of the backward communities, and thus of enabling them to take a rightful place in the general advancement of the nation. It may be noted, finally, that we have in all our endeavours borne in mind the ideals, namely, the attainment of Dominion Status by constitutional methods.

**The Franchise.**—The Committee emphatically aim at adult suffrage as the goal to be attained. In fixing

electoral qualifications it has to be remembered that the electorate should be sufficiently large to be considered representative of the Province. If the present position is examined it would appear that the percentage of male voters to the total male population over twenty years of age is 13.40 per cent. The percentage of female voters to the total female population of twenty years of age and over is approximately 0.79. The percentage of voters to the total population over twenty years of age is 7. Can it be said that this condition is satisfactory? It may be urged that the masses are not sufficiently literate, but illiteracy in itself cannot be a ground against widening the franchise. The proper course would be to grant franchise to those who would use it to the best interests of the country. If we examine the previous elections with a view to see if the people have intelligently exercised their votes, we would find that the general electorate has been unmistakably developing a political sense. There has been a marked growth in the sense of responsibility, which is also clear from the fact that the class of members returned has steadily improved, and this fact is the more noticeable when the condition of the various parties is examined. On these grounds the Committee recommend an extension of the franchise for the Provincial Council. A widening of the franchise is specially necessary in the case of agriculturists, who, according to the Census of 1921, form 61 per cent. of the total population, who cultivate an area of 4,29,63,000 acres and pay Rs. 4,67,00,000 as land revenue. The system of franchise should be so devised that the voting ratio of the various communities should be made to correspond with their population.

We propose lowering of franchise in the rural areas so that those who pay assessment to the extent of Rs. 16, and those who cultivate the land as tenants of an equal amount of assessment in districts should have a vote, whereas the qualification to be entitled to vote at present is that either they should be landholders paying land revenue to the extent of Rs. 32 or tenants of land paying a like amount as assessment. In districts such as Ratnagiri and Panch Mahals, where the franchise extends to those who pay land revenue to the extent of Rs. 16 and so on, the franchise should be equally lowered.

The Committee do not propose any change in the case of either the major or the minor municipal boroughs, but in the case of the town of Bombay the Committee are of opinion that the franchise should be lowered so that all those who pay Rs. 5 as rent per month should be held entitled to vote.

**The Electorates.**—The Committee propose the following electorates, and are prepared to forego the present privilege of the reservation of seats through a mixed electorate to the Mahratta and allied communities in case their suggestions, as given below, are accepted:—

- (1) The Brahmins.
- (2) The non-Brahmin Hindus.
- (3) The Depressed Classes.
- (4) The Mahomedans.
- (5) The non-Mahomedan and non-Hindu Communities.

(1) **The Brahmins.**—The preponderance of the Brahmins is nowhere so keenly felt as in the Deccan and Karnatak districts of the Bombay Presidency. Experience has shown that by using various tactics they have managed to capture seats far in excess to their proportion to the entire population. They cannot be said to be the representatives of the masses so long as they maintain their superiority by birth over other communities. The Committee is, therefore, of opinion that the Brahmins as a class should form a separate electorate, while they should be allotted seats in the Council on population basis. The reasons for coming to such a conclusion are given in detail under the next sub-head, namely, the non-Brahmin Hindu Group.

(2) *The non-Brahmins.*—This term is used here with reference to the Hindus only. The Brahmins have gained immense advantages over their non-Brahmin brethren by their alleged claims to superiority by reason of birth. The non-Brahmins were kept behind for ages by the Brahmins in all spheres of activities and are facing even to-day the political and economic dominance of the Brahmins. The transfer of power to the hands of Indians has made the non-Brahmins alive to the fear that they would be for ever relegated to the backward position. It has been the experience of successive elections that the number of seats occupied by the Brahmins is vastly disproportionate to their numerical strength in the country. The traditional antagonism and the existence of the social cleavage not to speak of the religious differences have made it impossible for the non-Brahmins to have any confidence in their so-called representatives in the Councils, namely, the Brahmins. A reference to the discussion on the recent Joshi Bill, introduced by Mr. S. K. Bole, a non-Brahmin Member, and the present activities of the Brahmins in the name of Hindu Mahasabha, the Brahmin Sabha, etc., are sufficient to convince anyone that adequate representation through a separate electorate for the non-Brahmins ought to be provided for. In placing this proposal, we have in view the present Brahmin v. non-Brahmin tension. We think that if the rights of the non-Brahmins are recognised by giving them a separate electorate they will feel sure in their position to be ready for united action in the development of Indian nationhood.

(3) *The Depressed Classes.*—It is absolutely essential for the general advancement of the country that the problems of the down-trodden classes who are politically, socially, and economically depressed should be prominently before the Government and the public. Scattered as they are over wide areas, they can be adequately represented only by means of a separate electorate. At present these communities are represented by men nominated by Government. But the arrangement does not satisfy anybody. In these days all communities ought to be represented by elected members. Under the present circumstances it is not possible for these classes to win a seat anywhere, and therefore we recommend that they should have a separate electorate, with seats in proportion to their numerical strength.

(4) *The Mahomedans.*—Communal representation for the Mahomedans should be retained, because in these days of tension between the Hindus and the Mahomedans any attempt at depriving them of their previous rights in this direction would provoke widespread opposition and would increase communal hatred. It is to be remembered that the recognition of communal interest in the Reforms made the Mahomedans alive to their position. In fact, such a recognition was an important step towards an all-sided progress of that community. The Committee would, however, suggest that the principle of allotting seats on legislative bodies in proportion to the numerical strength of the community in the Province should be adopted in the case of the Mahomedans as in the case of the Brahmins, the non-Brahmins and the depressed classes.

(5) *The non-Mahomedans and the non-Hindu Communities.*—The Europeans, Anglo-Indians, Indian Christians, Jews, Parsis and such other communities should, in our opinion, form a separate group for electoral purposes. It may be urged that the members of these communities have an easy access to the Councils through channels such as chambers of commerce, etc., but in view of the fact that these communities have large stakes in commercial and industrial concerns, we are of opinion that their political rights should get adequate representation.

*The Labourers.*—The problem of labourers presents some difficulty in view of the shifting nature of the population. Moreover, it is difficult to define a labourer for the purposes of special franchise. There

are five important industrial centres in the Presidency—namely, Bombay, Ahmedabad, Sholapur, Karachi and Hubli. There are over 160,000 labourers employed in cotton industry in the Bombay City alone. There are about 60,000 men engaged in textile works in Ahmedabad, and about 20,000 men in Sholapur. At present these are represented in the Council through nominated members. But in view of the fact that Labour Unions are being formed on organised basis and that they are being recognised by Government the labourers should get representation through members elected by such recognised labour unions.

*Reservation of Seats.*—This Committee have in another place proposed that the Mahratta and other allied communities of the non-Brahmin group would forego their claims to reserved seats in case their proposals regarding the formation of electorates in groups such as Brahmins, non-Brahmins and so on, be accepted. The one fact very prominently brought out in the last elections and which may be urged in justification of reservation of seats is that in spite of a large majority of Mahrattas and other allied communities in the Ratnagiri, Ahmednagar, the Bombay (North), and the West Khandesh no candidate of the said communities would have got a chance of securing a seat in the open elections, had there been no provision regarding reservation of seats. In case the present position remains unchanged the Committee propose that the following should be the reserved seats for the Mahrattas and allied communities. In addition to this, they urge that there should be proportionate increase in the number of reserved seats in case there be any addition to the number of members of the Council.

Constituency.	Reserved Seats.
Bombay (South) ... ..	1
Bombay (North) ... ..	2
West Khandesh ... ..	1
East Khandesh ... ..	1
Sholapur ... ..	1
Kolaba ... ..	1
Poona ... ..	1
Nasik ... ..	1
Thana ... ..	1
Ratnagiri ... ..	1
Satara ... ..	1
Ahmednagar ... ..	1
Poona City. By rotation ... ..	1
Sholapur City " " ... ..	1
Belgaum ... ..	1
	16

*Provincial Autonomy.*—Judging by the experience in working the Reforms this Committee think that the form of Government known as Dyarchy has not been a success. This failure is due to the inherent defects of the system. The artificial division of subjects into reserved and transferred has led to confusion and the Legislative Councils cannot but get confused. Reservation of some subjects does not inspire confidence in the Ministers, which in its turn is due to the fact that the people seek to identify the Ministers with the reserved side of the Government. The public favour or assail them according as they approve or dislike their attitude towards the reserved questions rather than judge them mainly on the record in dealing with the questions of their own departments. This naturally has an adverse effect on the working of the transferred departments. This Committee therefore recommend that the Dyarchy should be abolished and all departments should be administered by the Ministers.

*The Second Chamber.*—We do not approve of the principle of having a second chamber. But if it is considered necessary to provide some safeguard to the grant of full responsible Government to the



## MEMORANDUM BY THE BOMBAY PROVINCIAL NON-BRAHMIN PARTY.

[Continued.]

provinces, this committee will not press their objection strongly to the establishment of a second chamber. The Committee do not yet feel called upon to make any recommendations as to the exact powers or composition of this chamber. They would, however, point out that the members of this chamber should in every way be the real representatives of the people.

*Nominations.*—This Committee recommend that there should be no nominated officials in the Councils, since we think that real responsible Government, Ministerial responsibility, and the growth of parties will not be realised so long as officials as such find a place in the Councils. The opposition tends rather to direct against Government benches than against political party as such.

*The Legislative Assembly.*—The position of the Bombay Presidency at present in the Assembly is as given below.

Nominated	{	Officials	...	...	...	2
		Non-Official	...	...	...	1
Non-Mahomedans	...	...	...	...	...	7
Mahomedans	...	...	...	...	...	4
Europeans	...	...	...	...	...	2
Landholders	...	...	...	...	...	1
Indian Commerce	...	...	...	...	...	2

10

The distribution of seats, as we find at present, is defective on linguistic grounds. The Committee propose that the Thana, Ratnagiri, Kolaba and the seven districts of the Central Division in the Presidency proper, being purely Marathi-speaking districts, should conveniently be divided into three groups, and that each group should be allotted one seat.

The Committee are of opinion that as the Europeans and Mahomedans are given separate representation, the Mahrattas and allied communities should be given two reserved seats and one seat should be allotted to the depressed classes instead of a separate electorate. They further propose the lowering of franchise so that those who pay Rs. 50 as assessment should be entitled to vote.

*Conclusion.*—Finally, the Committee would emphasise the necessity for your Commission to pay a visit to the districts and to gather first-hand information regarding the condition of the masses. The position of the non-Brahmins in this Province is entirely different to that in any other Province. We sincerely trust the recommendations which you and your colleagues will make, will secure lasting benefit to the future prosperity of this country by giving the people the SWARAJ IN THE FORM OF DOMINION STATUS.





## POONA.

Dated 25th October, 1928.

## PRESENT:

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT  
RAJA NAWAB ALI KHAN) AND OF THE BOMBAY PROVINCIAL COMMITTEE.

Mr. N. E. NAWALE, B.A., LL.B., M.L.C., and Mr. K. S. GUPTE, B.A., LL.B.  
(Bombay Provincial Non-Brahmin Party).

1. *Chairman*: I think you gentlemen have come in support of the Memorandum from the Bombay Provincial non-Brahmin Party, and I believe you, Mr. Nawale, are the member for the non-Mahomedan rural constituency of Ahmednagar district?—Yes, Sir. (Mr. Nawale) I am.

2. Perhaps it will be convenient if I address my questions to you, Mr. Nawale, but your colleague will be at liberty to interpose and add what he wishes if he thinks it necessary. Is that convenient to you?—Yes.

3. We have your Memorandum,\* and we see from the first page of it that you come before us in support of this Memorandum from the members of the Bombay Provincial non-Brahmin Party, and that your proposals refer especially to the Marathi and Kanarese speaking districts?—Yes.

5. I will just call your attention and that of the Conference first of all to page 62 of your document, where you have set out very conveniently the present position in this Presidency as regards the proportion of the population that enjoys the franchise for the Provincial Council.

14. Then that is how it stands. Leaving out the children and confining it to adults, you may take it that at present of the males something like 13 out of every 100 have a vote, and of the women something like one woman in every 200 has a vote?—Yes.

15. What is your view, speaking for those you represent, about that?—We do not think it is a sufficient proportion.

16. Would you like to see it increased?—Yes; more people should be enfranchised.

17. That would involve either the adoption of complete universal suffrage or else the lowering of the franchise qualification?—Yes.

18. If I look at page 62 of your Memorandum I see that what you are suggesting really is not universal suffrage but a lowering of the franchise qualification?—Exactly.

19. My colleagues will find it on page 64. I see you say, near the top of page 64, "a widening of the franchise is especially necessary in the case of agriculturists"?—Yes.

20. You point out that they form 64 per cent. of the total population?—Yes.

21. And, of course, pay a very considerable part of the revenue?—Yes.

22. Let me see if I have got it right in my mind. In this Presidency you distinguish, do you not, between the qualification for the franchise in urban areas and the qualification in rural areas?—Yes.

29. Let us deal, first of all, with the urban constituencies. Is the view which you represent one which suggests that the qualifications should be lowered?—I do not think there is any necessity for lowering the franchise in the urban constituencies. I see no reason for doing so, except in the City of Bombay, where labour ought to get more votes.

30. You think the qualification of Rs. 120 annual rental value in the City of Bombay is too high?—Yes, it is too high.

31. What do you suggest it should be reduced to?—Rs. 60 a year.

34. You have told us, of course, that you are speaking more particularly for the southern parts of the Presidency?—Yes.

35. I dare say you have not specially considered the case of Sind?—No, we have not considered that.

37. Now let us take the existing qualification in rural constituencies, so that we may appreciate your suggestion there. As things are now in rural constituencies is the main qualification this: the ownership or occupancy as a tenant of land paying an assessment of Rs. 32 annually?—Yes.

38. I understand that when one speaks of land paying an assessment of Rs. 32 that is the minimum amount that is paid by way of land tax?—Yes.

39. It does not mean the land is valued at that figure, but its net profits are whatever they may be, and the proportion of net profits to be taken to represent the land tax is to be Rs. 32?—Yes.

40. What is your suggestion as regards that qualification?—That franchise ought to be lowered in the rural constituencies and brought from Rs. 32 to Rs. 16.

41. Halving it?—Yes.

42. Have you been able to form any estimate at all as to the number of new voters who would be introduced if that was done?—In the whole of the Bombay Presidency?

43. It may very likely be a matter for an expert estimate, but obviously it would considerably increase the number?—Yes. I can speak for the district from which I come, Ahmednagar district.

44. What do you say about your own district?—I think at least 9,000 voters would be added in the district.

25 October, 1928.] Mr. N. E. NAWALE, B.A., LL.B., M.L.C., and Mr. K. S. GUPTA, B.A., LL.B. [Continued.]

55. You also have the case where the owner, though he owns the land, does not himself till the soil or himself occupy it?—There are cases like that.

56. He lets it to a tenant?—Yes.

57. In that case, if the land satisfies the Rs. 32 assessment test, is it the owner who has the vote or the tenant who has the vote, or have they each of them a vote?—Both of them have got votes.

58. Which is the commoner case? Take your constituency. Is the commoner case that the ryot, the man who holds from Government, has let to a tenant, or that he cultivates his own ground?—The commoner case is that he cultivates his own ground.

59. The Government tenant as a rule is the actual cultivator?—Yes, except in irrigated tracts.

60. You are speaking of the dry areas?—Yes.

61. I suppose there are cases, are not there, where a man may own a large piece of land and he may let portions of his land to a number of tenants?—Yes.

62. What happens then? Suppose there is a ryot who owns an area which is divided into ten separate farms; each of his ten tenants will have a vote if each separate farm is assessed at Rs. 32?—Yes, each will have a vote as well as the owner himself.

63. Will the owner have one vote or ten?—The owner will have one.

64. That is what I wanted to get. Your system is complicated, and I may tell you that so is ours; there are not many Members of Parliament who could tell you accurately every qualification for an elector. I could not myself.

65. *Major Atlee:* If a man has a Rs. 32 holding and he is an owner-occupier, he gets a vote for that?—Yes.

66. But if that man lets out the land in ten portions to ten other people is the Rs. 32 holding sufficient to give a vote to each of those ten men?—No, if you vote as an occupier you must occupy an area which is assessed at, at least, Rs. 32.

67. *Chairman:* One sees the effect, more or less, if that is done. I think the next thing you deal with (at the bottom of page 62 of your document) is a suggestion for a rearrangement of the constituencies from the point of view of reservation of seats, and so on. I will read the passage at the bottom of page 62 and then ask you a question about it: "The Committee propose the following electorates, and are prepared to forego the present privilege of the reservation of seats through a mixed electorate to the Mahratta and allied communities in case their suggestions, as given below, are accepted: (1) The Brahmins. (2) The non-Brahmin Hindus. (3) The depressed classes. (4) The Mahomedans. (5) The non-Mahomedan and non-Hindu communities." That really is the kernel of your proposal as regards the redistribution of seats?—Yes.

68. Is that the general view of the non-Brahmin Party?—Yes, it is.

69. Or are you speaking as an individual?—No, we are here on behalf of the party.

70. The Committee have put forward that suggestion?—Yes.

71. Let us be sure we understand it. First of all you say you are "prepared to forego the present privilege of the reservation of seats" to the Mahratta and allied communities." That refers to the fact, I understand, that in this Presidency there are seven non-Mahomedan general constituencies in which the provision is made that at least one member must belong to the Mahratta caste or allied communities?—Yes, that is so at present.

72. I think I was told the other day (correct me if I am wrong) that that would not include a Rajput?—At present the "allied communities" would not include that; they are not included, according to the list.

73. Although Rajputs and Mahrattas are both Kshatriyas?—Yes.

74. You are prepared, you say, to give up the idea of the reservation of these seven seats if the condition which you suggest is fulfilled?—Yes, if the non-Brahmins are given a separate electorate.

75. Let me see if I understand the condition rightly. The condition really seems almost to amount to this: it seems to amount to abolishing general electorates altogether?—Yes, it will amount to that.

76. It does amount to that?—It amounts to that, yes.

77. It is a suggestion, really, to abolish general electorates altogether. It is a proposal, if I follow rightly, that the Brahmins should vote together for their own Brahmin members?—Yes.

78. In other words, that no Brahmin shall be a member for any constituency except a Brahmin separate constituency?—Yes.

79. Then there are the non-Brahmin Hindus, who do the same?—Yes.

80. Then that the depressed classes shall do the same, and the Mahomedans shall do the same, and then your non-Mahomedan and non-Brahmin communities—that would include the Parsis?—Yes.

81. So your suggestion is that all general electorates in this Presidency should be abolished?—Yes.

82. And that the elected members of the Council should each and all of them be elected by a separate constituency of their own community?—Yes.

83. Treating the Brahmins as a distinct community by themselves?—Yes.

84. It would be a very big change, would it not?—Of course, it would be a big change, no doubt.

85. Why do you propose this? What is there which makes you think it is a suggestion which the Conference should consider?—The main reason is this, that the Brahmins, though their proportion is very small, predominated everywhere in local self-governing bodies and in the Council also, up till now. The last Reforms only gave us seven seats; otherwise we had no representatives as such of our own in the Council.

86. While you are mentioning that, how many members are there of your party in the present Legislative Council?—In the non-Brahmin party as such?

87. Yes.—We are 14 at present.

88. So you see, though seven seats were reserved for the Mahratta, you have, in fact, under the present system, a non-Brahmin party in the Legislature of 14?—Yes. We have other members who also joined us, those who did not come in as reserved members.

89. Your reason really is that the Brahmin, though his caste is, of course, a minority of the Hindu community taken as a whole, none the less has a very large part in representation in public affairs?—In public bodies, yes. (*Mr. Gupta:*) Their interests do not always coincide with the interests of the non-Brahmins. They claim superiority by their birth, and they are the priests, and, therefore, they want to predominate over other communities, over the masses.

90. Can you tell me how many Brahmins there are who are elected members of the present Bombay Legislature?—(*Mr. Nawale:*) To speak of Deccan and Karnatak, there are about six.

91. When you gave me the figure of 14 just now when you spoke of the non-Brahmin party, were you still confining yourself to the Deccan and the Karnatak?—Yes.

92. Of course, as things are in this part of the world, you form a non-Brahmin party, and no doubt it is largely consolidated by the fact that it is opposed to the Brahmins?—Yes. It is opposed to the Brahmins, but we have our own constructive programme, too.

93. But do you think that under your plan all the non-Brahmins will agree, or do not you think it will lead to a proposal now that there should be a list of different castes, each of whom should elect its members?—No. This is a demand of the united non-Brahmins. Of course, there may be some members who disagree with the party as such. It would be impossible to give each caste a separate electorate, and we, too, have not asked like that.



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91. When you gave me the figure of 14 just now when you spoke of the non-Brahmin party, were you still confining yourself to the Deccan and the Karnatak?—Yes.

92. Of course, as things are in this part of the world, you form a non-Brahmin party, and no doubt it is largely consolidated by the fact that it is opposed to the Brahmins?—Yes. It is opposed to the Brahmins, but we have our own constructive programme, too.

93. But do you think that under your plan all the non-Brahmins will agree, or do not you think it will lead to a proposal now that there should be a list of different castes, each of whom should elect its members?—No. This is a demand of the united non-Brahmins. Of course, there may be some members who disagree with the party as such. It would be impossible to give each caste a separate electorate, and we, too, have not asked like that.

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94. *Major Attlee*: Why do you say that you would not have a proper representation if you did not have separate constituencies? You have got a big majority of the votes. There is a list in the big book, I think?—We have not got the big book here.

95. I will give you an instance. In Nasik there are 21,000 electors, of whom 15,500, roughly, are Maharrattas?—Yes.

96. Will you explain why Mahrattas cannot get in at election time?—Yes, the reason is obvious and very simple. There is hardly any doubt that we have a great number of voters in these constituencies; but majority of voters in these rural constituencies are under the influence of sowcars, Bramin priests and Brahmin Government officials.

97. *Chairman*: One of the words means money-lenders?—Yes.

98. Any Government officials who may be Brahmins?—Yes, everywhere we have Brahmin officials.

99. *Major Attlee*: You say moneylenders. Are the moneylenders Brahmins?—No. They belong to the advanced communities.

100. *Chairman*: What are the advanced communities besides the Brahmins?—The Banias and the Gujrathis who are moneylenders in the Deccan, for example.

101. *Major Attlee*: Then your point is not so much the Brahmin as such, but that your electors as a whole are likely to be influenced by persons in positions of authority, whether it is economic or political or social, or whatever it may be?—But I can assure you that it is the Brahmin priests and officials and the sowcars frequently.

102. How does that work?—The Brahmins are the pleaders of the sowcars and the sowcar is ultimately influenced by the Brahmin officer.

103. In your own community of the non-Brahmins, are not there people wielding influence? I suppose some are richer than others; some are better educated than others?—A very small percentage of them are educated.

104. You see, the point you make is that the ignorant voter is liable to be made to vote by people of influence?—Yes.

105. You try to get rid of that by a separate constituency for non-Brahmins?—Yes.

106. Are you sure that you will not have influences of the same sort wielded by Brahmins even in a non-Brahmin constituency?—No, not such a baneful influence as is working at present under the Brahmin dominance.

107. Now I want to ask you about the question of the franchise which we were talking about in the Bombay City?—Yes.

108. You proposed a reduction there?—Yes.

109. What is the ordinary rent paid by a mill-hand in Bombay City?—Ordinarily they pay five or six rupees.

110. You would enfranchise them by your proposal?—Yes, poor people as they are.

111. You do not propose to enfranchise the labourer in the village, the daily labourer? You have, I suppose, in the village some landless labourers, have you not?—Yes.

112. Would you enfranchise them?—Labourers in the villages, you mean?

113. Yes.—No, they are agriculturists. In the Deccan a petty agriculturist works in his fields for some months, and then he turns out a labourer himself.

114. Does he own sufficient land to give him a vote under your proposal?—Many of them do not.

115. What sort of proportion of them?—I should say that at least at present 40 per cent. of them have not land enough to give them a vote at present.

116. And, under your proposal, what proportion would they be?—I cannot give the exact proportion, unless I work out figures. But even if the franchise is lowered and brought down to Rs. 16 still a large number would be left out.

117. I do not know what proportion that would be of the total number. Your proposal shows, I think, that you have already 17,000 electors in Ahmednagar district?—Yes.

118. Your proposal adds 9,000?—Yes.

119. That makes 26,000 out of a population of nearly 700,000?—Yes.

120. Now, that leaves a very large proportion of adults without votes. Who would those be? What classes would thus be left out of the vote under your proposal?—Agriculturists mostly.

121. And why should not they have the vote?—I would be glad if they could be enfranchised, and even if the franchise were lowered to eight or six rupees; but as the proposal of the party stands, I must stick to it. These are our demands at present, that the franchise should be brought down to 16 rupees. Our ultimate object is, as we have stated in the memorandum, that there should be adult suffrage.

122. You have stated that the ordinary ryot was liable to be under the influence of the moneylender?—Yes.

123. I suppose that would apply still more to the ryots with very little land who are labourers most of their time? They are poorer still?—If there is a separate non-Brahmin constituency, then, of course, they can utilise their right of representing themselves by their own candidates. They can choose their own candidates.

124. But the men in the villages who own very little land, and who are mostly labourers, work for the ordinary farmer, do they not?—Yes.

125. And the suggestions you have made will not give those people the vote?—Yes, they would not get the vote.

126. Will they be represented by the people for whom they work?—No, not necessarily so. Now these classes are taking to education, and an educated man from amongst themselves can represent them. He need not be their landlord, he need not be their direct superior or man of influence over them. The candidate may be an individual man sprung up from the masses, and he can represent them.

127. Yes, but you are enfranchising as the voters the farmer class?—Yes.

128. And, therefore, the tendency will be, other things being equal, to return people in the interests of the farmer?—Yes.

129. What I am putting to you is that if the landless man or the man who owns very little land is not enfranchised, he will not have any representation as against the farmers' interest, will he?—Yes, that may be so; that is inevitable.

130. One other point. You have, as a matter of fact, beyond the reserved seats returned a certain number of members of your community for the unreserved seats?—Yes, we have.

131. Something like half of your present representation is by people returned for the unreserved seats; seven reserved and seven unreserved, I think you said?—Yes.

132. How is it that if the influence were so strong as you have said to support your claim for reserved seats, you manage to get these other seven returned for the non-reserved seats?—In those unreserved constituencies the electorate is rather enlightened, and the Brahmin influence and other influences which I have mentioned are not so strongly felt in those areas. (*Mr. Gupta*): And sometimes the personality of the candidate wins for him the seat.

133. *Chairman*: You have a colleague in the representation of Ahmednagar, have you not?—(*Mr. Nawale*): Yes, I have a colleague.

134. Is the other member also a Mahratta?—Yes.

135. That is an instance of what *Major Attlee* puts?—No. He came in only because one non-Mahratta member who was elected with me was disqualified.

136. *Major Attlee*: The point remains, of course, does it not, that half of your members in the Legislature are returned for non-reserved seats?—Yes, but



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I have already said that the conditions in those non-reserved areas very much differ from those in the reserved areas.

137. There may be one case where the other candidate was unsented on petition, or disqualified, but the broad fact remains that you have managed to get representation, if not in seven, at least in six cases?—I think I must make one thing clear. The seven seats are reserved not for the non-Brahmins for whom we have come here to speak, but they are given to Mahrattas and allied castes. The non-Brahmins are not composed of Mahrattas and allied castes alone; there are other communities, too, and these seats belong to Mahrattas and allied castes as such; so these seven have come in on the vote of the Mahratta and allied castes, and not on the general ticket of the non-Brahmins as such.

138. You draw a distinction, then?—No, I do not want to draw a distinction. I was asked about 14 and 7 seats. It was said that seven have come in without the reserved ticket; that is why I am explaining these things.

139. Yes; but the broad principle on which your party is founded is non-Brahmin?—Yes; but the Council party is formed after members are elected.

140. And therefore you have, as a matter of fact, an effective return of 14 non-Brahmins, although there are seven seats that are specially reserved, the other seven have got in in open competition against Brahmins?—I don't wonder for that. In fact, in the non-reserved areas, the returns are not satisfactory to non-Brahmins. In Satara, for instance, with a majority of non-Brahmin votes, we have been able to get only one seat out of three seats. That is not good.

141. How do you reconcile that with the statement on page 63, which says that "in spite of a large majority of Mahrattas and other allied communities in the Ratnagiri, Ahmednagar, the Bombay (North) and the West Khandesh, no candidate of the said communities would have a chance of securing a seat in the open elections"?—Yes. I have already referred to that point. The Brahmins and the higher castes influence the masses, who are educationally backward, and, therefore, we were given seven reserved seats. The rest were left to the general electorate. But for reservation, our candidates would not have been elected in those areas at all.

142. Would you say that the disabilities of the people for whom you speak, the non-Brahmins generally, are due to ignorance, lack of education, and so on—things which are gradually passing away?—Gradually they are taking to education nowadays. We want to have compulsory education in our districts now, and if we get that soon there will be a great awakening amongst the masses.

143. Would you say that the necessity for reserved seats was less now than at the time when the Reforms were introduced?—No, I do not think the time has yet come for abolishing the reserved seats. That will be indirectly denying representation to millions of poorer masses.

144. Do you think it is better?—It would be better to provide for them for at least ten years to come. (Mr. Gurte): In the days of non-co-operation certain Mahrattas had a chance of coming in, but now that moment is going, and we are afraid that non-Brahmins hereafter will be deprived from getting a chance by the higher classes unless the seats are reserved.

145. Colonel Lane-Fox: You will see this is rather a startling proposal of yours, is it not? It is not exactly democratic?—(Mr. Nawale): The proposal on page 63 you mean?

146. No, the proposal for abolishing the general electorate?—It may sound so, but we cannot help it.

147. It is not a very democratic proposal, is it?—We are forced to put it like that because the conditions are very strange. In India conditions are so strange

that what is democratic in other countries may be undemocratic here, and what looks apparently undemocratic here may really be very just and democratic.

148. I want you to tell me what they are? You vote by secret ballot?—Yes.

149. And you say that a large number of votes are captured by the Brahmins?—Yes.

150. Because people are afraid not to vote for them?—Yes.

151. How are the Brahmins to find out which way the man votes?—When the returning officer counts the votes naturally they get the various votes from the constituency.

152. But if the system is working satisfactorily nobody ought to know how the vote is given?—He does not know exactly what person has voted for him, but he knows where the majority of votes come from. There are agents and canvassers who canvass for him. The voters are influenced, and they tell the canvasser or the agent.

153. Why need they tell him?—The influence works and the agents are informed that such and such a person is voting for such and such a candidate.

154. But the system should be, and is intended to be, that a man could go into the polling booth and vote for whoever he likes?—He exercises that right, but afterwards he tells the agent for the candidate for whom he has voted, and his vote, too, is much influenced before he has approach to the polling booth.

155. There is no reason why he should?—They are ignorant. They are actually brought in carts and conveyances that are prohibited.

156. If that is the condition at present a lowering of the franchise will make it worse if you get more illiterate men voting?—They will get political education and more enfranchising would be much in the interest of the backward non-Brahmin candidates.

157. Is not the better plan for you to educate your electors to vote according to their conscience?—This is going on now day by day, but they are not at present thoroughly educated to exercise their vote properly and freely. Wider franchise will create awakening among the masses.

158. Why, instead of asking for these separate elections, do not you agitate among your people and tell them not to tell anybody how they vote?—We are doing so, and we are creating an awakening amongst these masses, but the system must also help us. The system must be so arranged as to awaken the masses to their political sense.

159. And will not that, in time, give you a better result than all these separate electorates?—After ten years I do not think there will be any necessity for reserved seats, but with things as they stand now there is a great need for reservation of seats; otherwise these masses would not have any representation on the Council at all: The process of awakening is just begun, and if you stop reservation at this stage, the process, instead of making any further advance, will be stopped.

160. Chairman: Then do you take the view that the adoption of a system of reserved seats tends to create a situation in which reserved seats will not be necessary?—Yes, that is my conviction. (Mr. Gurte): Perhaps when the backward classes are developed there will be no necessity to have reserved seats. (Mr. Nawale): We have compulsory schemes under consideration, and when they are applied the people will be educated, and they will know something of politics and something of public life. A time will then come to abolish reservation.

161. Mr. Cadogan: What is your own experience in Ahmednagar? It is a two-member seat. Who headed the poll?—Last time, Mr. Feroda.

162. Was he a Brahmin or a non-Brahmin?—He was a Marwari Jain, a merchant community.

163. Chairman: We may summarise it in this way. I see from this book that, while there are 13,615 Mahrattas in your constituency, you would not have

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been returned if it had not been for the reserved seats?—Yes.

Mr. Cadogan: That is what I wanted to know.

164. Chairman: And, in fact, you did get, out of the 13,615 Mahratta votes, 2,855 votes?—Yes.

165. Sardar Mujumdar: What sub-communities, in your opinion, constitute the Brahmin community?—The Government have defined that, I think. I do not know what the Brahmin communities are.

166. I mean the Brahmin community as classified by Government?—I am not aware of what classes they consist.

167. Do you include the Gaud Saraswat Brahmins, Chandraseniya-Kayastha-Prabhus, Pathare-Prabhus, and Dairajna Brahmins in the Brahmin community?—The Gaud Saraswat Brahmins come in the Brahmins, but some of the others are different communities altogether. They are non-Brahmin communities, for at least election purposes.

168. They are not classed as Brahmins by Government?—I am not concerned with what Government has classed and what Government has not classed.

169. And you also do not know?—No.

170. That they are Brahmins?—I do not know that. I would have the Prabhus as non-Brahmins, for election purposes.

171. But I want the situation as laid down by Government?—I am not aware what Government has laid down. (Mr. Gupta): At present the Brahmins are incorporated with the Prabhus and other communities, because there are many communities amongst the Brahmins. We want to form our separate electorates on the principle that those who claim superiority by birth, those who belong to the priesthood class, should be styled Brahmins, and the rest non-Brahmins.

172. What proportion does the Brahmin community hold to the total population of the Deccan and Karnatak?—I have not worked out that figure, but the proportion must, of course, be very small.

173. What is the percentage of literacy among the Brahmins?—I have not worked it out. You could find it out from the Census reports. It is extremely high, obviously.

174. What is the percentage of Government posts held by the Brahmin community and the communities which are not, strictly speaking, Brahmins, but which are equally advanced in literacy with the Brahmin community, as, for example, the Kayastha-Prabhus?—I do not carry these figures in my pocket, but 80 per cent. of these posts are monopolised by Brahmins alone; I can say that from my experience going about the country.

175. Were any restrictions put upon the so-called backward classes in the matter of education since the advent of British rule? If not, why did not they educate themselves?—There are many difficulties in the way of the non-Brahmins.

176. Will you name some of them?—In the way of educating themselves the non-Brahmins have many difficulties. There have been invariably Brahmin teachers working under the District Local Boards up till now, and they did not educate the non-Brahmin boys properly. Now-a-days a gradual change is noticeable, since non-Brahmins took control of local boards.

177. Do you mean the non-Brahmin boys are prevented from receiving proper education by the Brahmins?—No, I do not say they are prevented, but they are neglected in the classes. In fact, out of every thousand non-Brahmin boys who attend the primary school in a village you get hardly one who reaches the matriculation examination of the university. That means you have neglected at least 999 boys out of every thousand, who are thrown away as waste.

178. Is it or is it not a fact that communities which are not Brahmin, but which have educated themselves, hold a greater proportion of Government posts?—I do not think so. The monopoly is decidedly of the Brahmins, which is simply vicious.

179. Do you know that among the Brahmins there are Grihasthas and priests, and the former constitute an overwhelming majority of the Brahmin

community?—As far as the non-Brahmin community is concerned, it does not matter whether Brahmins are priests or not; whether they are priests or not, so far as the non-Brahmin community is concerned they are unitedly against them.

180. You do not think there is a difference?—They sink their differences when confronted with non-Brahmins. As far as we non-Brahmins are concerned, there is no difference between a Brahmin who is a priest and one who is not a priest.

181. Do you know that the Grihasthas have never cared to assert any social or theocratic right? Nay, that they consider it derogatory to follow the priestly profession?—No, I am not aware of any such thing. I cannot say what the Brahmin Grihasthas and the Brahmin priests do among themselves.

182. Do you know that a priest performs religious rites and ceremonies only at the invitation of the houseowner?—Well, they have got their tyrannical ways of exacting money. That is why Mr. Bole, the labour member of the non-Brahmin community, had to bring in his Joshi Bill in the Council to deprive the Brahmin priests of their tyrannical priestly emoluments.

183. Do you know that some communities have their own priests, and the Brahmin priests have never cared to displace them?—That has only started now-a-days, and on a very small scale too.

184. Do the Lingites have their own priests?—I do not know.

185. Do you know the exact difference between a vedokta rite and puranokta rite? Is not it a fact that the puranokta rite is only a simplified form of the vedokta rite?—I do not think that is so; the puranokta rite is something meant for the non-Brahmins, I suppose.

186. What was the profession largely followed by the Mahratta community before British rule?—They were warriors and agriculturists.

187. Do you know that there was, in the olden times, the fullest scope for the realisation of the ambition of the said community?—Yes, there was in the strict Mahratta rule.

188. Has that state of things prevailed since the advent of British rule?—No, our youths are denied the right of getting military commissions.

189. Do you know that the Mahratta community and other allied communities are mainly martial races and that they acted as such until the advent of British rule?—Yes.

190. Do you know that the Brahmin community in Mahrashtra is also martial in spirit, and that the Deccani Brahmins are not admitted in the Indian Army?—I do not think so. I do not think there is any provision of that sort.

191. Do you consider it as fair to shut out a whole community from one important department of administration?—They are not shut out, they did not offer their services in the last Great War to show their martial spirit.

192. Do you know that, except for the Kolhapur State, all other Mahratta States were the creation of Bajirao Mahratta I, a Brahmin?—I do not think so. Instead of any State being created by Brahmins, the Brahmin States have been created by Mahrattas.

Chairman: I am very much interested in this; I love learning history; but do you think we must go so much into this? Political rights cannot be made to depend entirely on these things, though they may be useful things to bear in mind.

193. Sardar Mujumdar: Do you think that for the efficient working of the Provincial Legislative Councils it is desirable to apply some test for educational qualifications for a candidate, inasmuch as the proceedings of the State Councils are conducted in English?—A test for qualifications?

194. Some sort of test of qualification?—You mean, to become a member of these bodies?

195. Yes.—Which? The Legislative Council or the local self-governing bodies?

196. The Council and also the local self-governing bodies?—As far as the views expressed in the non-

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British Party's not a random one concerned, I am bound to say that a qualification should be imposed.

213. *Mr. Abdul Kader Sahib:* Would you suggest a universal lowering of the franchise in Bombay City, or is it only to apply to the working classes? If it is lowered for everyone I have no objection, but if it is not going to be lowered for everybody it should be lowered for the labourers, at least.

214. Do you ask for it for the labourers or for all? We have asked for it for the labourers.

215. Do you think? Do you wish to discriminate between the labouring population and the non-labouring, or do you say the basis of franchise should be the same for all? All through. (Mr. Gupta.) For labourers we have a different programme, there should be a labour union, and through the labour union the franchise.

216. *Mr. Sahib Padi:* Mr. Nawaty, according to the programme of your party, you want to have five electorates? Yes.

217. No, suppose we do not have a separate electorate for the Brahmans. I think you will be satisfied with the present non-Brahman constitution of reserved seats at present? Yes, but we must have seats to be given to them in proportion to their population.

218. Your objection in having the separate constituencies for the non-Brahmans is that their interests shall be protected? That is all.

219. So far as I take it that in the interests of the backward classes the basis of representation should be the population basis. Yes, it should be the population basis.

220. If you have the population basis, you will be quite satisfied with your representation, so long as you have reserved seats as well? Yes, I will be satisfied if a definite number of seats proportionate to our population are reserved for us.

221. In such a case you will not mind if the non-Brahmans do not have a separate electorate, you will not press for that. In what case?

222. If you get satisfactory representation according to the population basis with reserved seats, then you will like to have the Brahmans with you? There would be no harm in having the Brahmans with us in that case. If we get seats proportionate to our population reserved in this Presidency, then we may not have these separate electorates except for the depressed classes.

223. I do not ask you about those, they will take care of themselves. You think that in the interests of the backward classes, the franchise should be necessarily lowered? Yes, it should be lowered.

224. In what way will backward classes be benefited thereby? Can you give me some plea? They can put up their own candidates, and exercise the right of voting in favour of their own candidate. At present they are not properly enfranchised, and the votes of those who have got them are taken over by the Brahmin candidate or by candidates who have got influence over these voters. For the effective return of non-Brahmans to councils the franchise of the rural voters must be lowered.

225. I do not want to go into the controversy of Brahmin and non-Brahmin, and I do not want to go into those questions which have already been put to you, but if the franchise is lowered, would your interests be better safeguarded?—Yes, with adequate reservation of seats.

226. *Rao Sahib Patil:* Do not you think, in view of the number of voters in the towns, that the candidate there, especially if he belongs to the advanced classes, is able to canvass for votes much more easily? He can canvass much more easily, because the voters are in a compact area.

227. It is easier for him, because the voters are all in one place?—Yes.

228. Where, in the case of a rural constituency, a candidate who has to get votes from the rural voters has to go from place to place?—He has to wander from hut to hut; he has to pass over hills and valleys and cross rivers where there are no roads, even.

229. Would you like to have different constituencies, rural and urban, as is the case in the Central Provinces? I should very much approve of that scheme, if the constituency were split up into two distinct parts, rural and urban.

230. But in that case you would like to have one more seat for the rural constituency?—The rural should have two and the urban only one.

231. Take the case of Satara. Would you like to have three seats for the rural constituency there and one for the urban? Yes.

232. So that from that point of view you have no objection to an increase in the number of members of the Legislative Council?—I am in favour of increasing the number of members of the Legislative Council, without that the backward non-Brahmin communities would not get adequate representation.

233. *Syed Mirza Mahomed Shakh:* You have just said that there should be separate rural and urban constituencies, and you have described the trials and tribulations a candidate undergoes on account of the mixture of these constituencies. Now, do you want the separation of urban and rural on account of the candidate's convenience or because you think the rural interests are protected by the candidate coming from urban areas?—Both. I do not think that the urban candidate can or will properly represent the interests of the rural voters, as the two interests at present clash with each other.

234. Therefore it is on account of the interest of the rural voters that you recommend this change?—Primarily it is in the interest of the rural voters, but, of course, there are some other reasons.

235. Primarily it is for the interests of the rural voters?—Yes.

236. In that case, if the rural and urban constituencies are divided, would you advise a lowering of the franchise?—Yes. I am in favour of lowering the franchise in the case of rural voters from Rs. 32 to Rs. 16.

237. In spite of the separation, you think a lowering of the franchise will be necessary?—Yes.

238. In reply to Major Atcher, you said that in addition to the seven seats which are reserved, seven more non-Brahmans had been returned. Do you think they are included in the Mahrattas and allied communities?—No, they are different castes altogether. Because they are non-Brahmins they have joined with us, but they are not Mahrattas or allied caste peoples.

239. You have asked for separate electorates for Mahrattas and allied castes joined together, and you would perhaps like separate electorates for the other non-Brahmin castes also?—I shall not be sorry if the non-Mahratta non-Brahmins are given a separate scheme of reservation of seats; in fact, I shall be glad of it.

240. I want to know your view as regards the tenant having the vote: do you mean the permanent tenant or the temporary tenant?—The tenant who is found to be the tenant when the lease is prepared.

241. Will you give the franchise to the permanent tenant or to the tenant at will?—I think to qualify himself as a voter a man has to stay there for a certain number of months; a residential qualification is necessary.

*Chairman:* I think it would be well to ask the gentlemen who represent the body called the All-India Mahratta League to come in and listen to this evidence. I appreciate that the point of view of the two bodies is not quite the same, but I think it might be useful if they came in to listen, and, if it is desired, members of the Conference might ask additional explanations from them.

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228. *Sir Hari Singh Gour*: It is clear from the trend of your evidence that you wish to strengthen rural representation in the Local Council?—Yes, because they pay a major portion of the revenues directly and indirectly.

229. And you wish to leave the urban representation as far as possible unchanged?—Unchanged as far as the voting population is concerned.

230. Do you realise what would be the effect, if your proposals were applied, upon the constitution of the Local Council? Do you think it will increase in brain

power and efficiency?—I think you can get proper candidates even from the backward communities nowadays to represent them in the Council.

231. I suppose your objective, as it is the objective of every member of the Council, is that the best brains should be utilised for the public service?—Not necessarily. I am opposed to that idea. If you utilise the best brains without giving representation to the masses and allowing them to have proper and adequate direct representation in the Council, then, of course, there will be more mischief than good.

**Mr. GANGAJIRAO MUKUNDRAO KALBHOR and Mr. K. S. GHORPADE, B.Sc.,**  
here entered the Conference Room.

*Chairman*: Gentlemen, I have asked you to come in because, although in some respects your Memorandum does not follow quite the same lines, still we are discussing a general subject on which I shall be very glad to have your presence. We have all read the Memorandum which you submit, the Memorandum of the All-India Mahratta League.\* *Sir Hari Singh Gour* is asking some questions more particularly of the gentlemen who are already here. If you will follow the questions it may be that you would like at times to add a remark. I will tell you the question which has just been put. *Sir Hari Singh Gour* asked whether it was not desirable to utilise the best brains of the country in administration and in Government, even though that meant drawing disproportionately from some particular section (he was referring, no doubt, to the Brahmins), and I understood the witness to say that he did not himself think that was the true principle, and he was going to explain why.

*Witness (Mr. Nawale)*: Yes, I just want to explain further. Before the Montagu-Chelmsford spirit was introduced we had these "best brains," and they used to be our representatives in the Councils; but that was the worst sort of representation of the masses. We have our own seats in the last scheme, and now we have greater representation of these masses. What we are trying now to do is to have greater direct representation of these masses in the Council.

232. *Sir Hari Singh Gour*: I understand your theory is that you would sacrifice the best brains in favour of the class principle?—I would.

233. Do you think it would be advisable to give votes to all literate persons who have passed the fourth standard?—There is hardly any education amongst the masses.

234. Merely literate persons not possessing the requisite property qualification have at present no votes?—I have not worked out that figure, how many literate persons have not a vote.

235. There must be some?—There might be some.

236. Very well; would you give them votes or not, because it would encourage and promote education and literacy?—That would be advocating manhood suffrage. I do not think a man possessing no property qualification should be given the vote.

237. My point is that, if you wish really to develop the political institutions of this country, you want to encourage literacy and education?—Yes.

238. In order to encourage literacy and education, give a vote to all literate adults?—No, that would be a wrong sort of way of creating more literacy and more awakening and consciousness amongst the masses. You give them direct representation. There are people available now amongst these backward classes who are fairly educated to represent them.

239. I am not dealing with that. I am to give them votes, according to you. All those persons will be enfranchised, that is to say, the backward classes and the people you have in mind?—Yes.

240. But in addition to those persons, I am suggesting whether you are not in favour of a literate vote as such, with a view to advancing the political education of the people, and to develop the self-governing institutions in the country?—No, I do not think so.

241. You have said this, if you will kindly turn to your memorandum at page 62, and I will draw your attention to page 63. I just want an explanation about this on page 62. You are prepared to forego the privilege of reserved seats for Mahrattas?—Yes.

242. But on page 63 I think your language is susceptible of an interpretation that because there is a very large number of Mahrattas, and though they failed to get the seats, you are still in favour of a reservation of seats in favour of the Mahrattas: is that so?—Yes.

243. Have I understood you correctly? In other words, while in the abstract at page 62 you are prepared to forego reservation, yet as a practical politician you find at page 63 that, as matter of fact, though the reservation of seats is foregone, the Mahratta interests will suffer, and therefore you are in favour of the reservation of some seats for your community for the Mahrattas?—Yes.

244. *Chairman*: Would you excuse me? It is not quite the way I understand it. I think the witness's view is, as he explained some time ago to me, that, provided that general electorates were abolished, and you had a series of separate electorates, he would be prepared to see the reservation of seats go; otherwise not?—That is so.

245. *Sir Hari Singh Gour*: I will draw your attention to page 66. If that is not your view, it certainly seems to be the view of the Mahratta League. The Mahratta League say: "We should have at least twenty reserved seats in the Provincial Legislature \* \* \* and five seats in the Central Legislature."—(*Mr. Ghorpade*): According to population.

246. That is to say, the Mahratta League demand special reserved seats not *qua non-Brahmins* but *qua Mahrattas*?—(*Mr. Nawale*): We are not concerned with that.

247. I ask your opinion about it. There is a demand on behalf of the Mahratta League that they should have a certain number of seats, 20 reserved seats in the Provincial Council and five in the Central Legislature?—Yes. Well, I do not think that there is any need for reservation of any special seats for Mahrattas alone. We are here to advocate the cause of the non-Brahmins as such.

248. Then you do not agree with the demand of the Mahratta League?—No. Let me make myself more plain. The demand of Mahrattas comes before the Commission simply because certain communities have split up from the non-Brahmin Party, and they are now trying to have special seats for themselves; but that was really a bad move. I was sorry for that, personally, and this memorandum is an answer to that move. If these differences are removed, then the non-Brahmin Party has been united, and we are here to put forward the view of the united non-Brahmin Party as such.

249. You say you see no signs of the consolidation of the Brahmins and the non-Brahmin Party: you see no sign whatever of the political awakening having taken the turn of consolidating these people of India; consequently you want certain treatment in the matter of reserved seats?—Yes.

25 Oct. 1928.] Mr. G. S. CHAND, MUKUNDBAO KALLER and Mr. K. F. GHORAYAR, Esq. [Continued.]

201. I, therefore, ask you, will you not give the right of voting to all the people first, and then give the right of voting to reserved castes if you wish, also to reserved castes of your community? I have already suggested that question to a considerable number of people. It is not as if it is a new thing only for me.

202. I assure the hon. genl. that I ask you, as a representative of the people, to give the right of voting to all the people first, and then to give the right of voting to reserved castes if you wish, also to reserved castes of your community. I have already suggested that question to a considerable number of people. It is not as if it is a new thing only for me.

203. But you say that the people of your community will not vote in it. No, I do not think so. We do not want to give the right of voting to all the people first, and then to give the right of voting to reserved castes if you wish, also to reserved castes of your community. I have already suggested that question to a considerable number of people. It is not as if it is a new thing only for me.

204. Let me give you an example. Yes, I am, at present, a member of the Legislative Council of Bombay. I am a Hindu.

205. Take the case of the Europeans, the Anglo-Indians, the Parsis. Yes.

206. You have heard that the British are a small community?

207. As to the case of the Parsis, the right of separate representation for the voters of the same text as in the case of the British, and the same text as in the case of the British, and the same text as in the case of the British. I have already suggested that question to a considerable number of people. It is not as if it is a new thing only for me.

208. So that, whereas the Parsis and Europeans, who are a small community, are given a separate representation, the British are given a separate representation, and the same text as in the case of the British, and the same text as in the case of the British. I have already suggested that question to a considerable number of people. It is not as if it is a new thing only for me.

209. What advantage can you give the Government, that if your votes are concentrated into two different classes, and then, in two different classes, the British are given a separate representation, and the same text as in the case of the British, and the same text as in the case of the British. I have already suggested that question to a considerable number of people. It is not as if it is a new thing only for me.

210. You recognize that as an evil?—They will try to create all sorts of difficulties.

211. Oh yes. I understand your answer to the first question is that you take your risk of that?—Yes.

212. Sir Hari Singh Guleri. You recognize that the risk is there?—Yes, but it will occur less and less as the voters become enfranchised and get some sort of education. They will get their own rights, and will know the best way to exercise those rights.

213. Do not you think it is a dangerous thing to begin education by making legislation in the first instance? Do not you think it would be a better political education to begin at the bottom of the ladder?—You mean the voter?

214. Yes; give the masses political education by commencing to educate them from the bottom of the ladder.—No, I do not think so. Giving them the vote is beginning to educate them in a way.

215. Dr. Sukrawarthy: If you get adequate representation on population basis in a separate electorate, would you still press for manhood suffrage or the further lowering of the franchise?—I would at this stage go in for the further lowering of the franchise.

216. Why do you want it if you get adequate representation on population basis in a separate electorate, because I understand that the whole object of you, gentlemen, representing the minorities who ask for lowering of the franchise or for manhood suffrage, is to get adequate number of voters to counterbalance

or outweigh the voting strength of the majority communities?—Yes, that is our idea.

217. In a separate electorate that question does not arise. I think a great injustice is being done at present in denying to a certain number of people belonging to the backward and minority communities the right of voting. Rs. 32 limit is too high and it should be brought down to Rs. 16 at least.

218. So as to the abstract question of justice and equity, that you want that everyone should be enfranchised, or on the grounds of expediency and necessity that though you get separate electorates for yourself and also reservation of votes still you feel to be in a position of minority?—The latter.

219. Therefore you want adult suffrage in order to counterbalance or outweigh the voting strength of the majority community? The point is this. Even if we get a separate electorate the voters at present are not the influence of the advanced classes such as the Brahmans and Sawkars. That is why we want the lowering of the franchise.

220. But if you still lower the franchise the ignorant and illiterate people will still be under the influence of the advanced classes. By lowering the franchise you increase the domain of the priority classes and the very end which you want to safeguard would be defeated?—I do not think so, because it will create a sort of awakening amongst the masses and they will know their rights.

221. So it is only for the educative value that you lower and think?—Our idea is that the electorate should be as representative as possible.

222. In order to protect yourselves against the demand of Brahmans and other advanced classes you want to lower the franchise? My experience is that the lower the franchise is the people will be more under the influence of priests who invoke the sacred thread and gods and get the votes?—Not necessarily.

223. Sir Arthur Froom: There is one point arising out of a question put to you by the Chairman on which I am not quite clear. Would you agree that it is a reasonable calculation to estimate that the rents of houses and buildings in Bombay are twice what they are in Karachi?—I have not studied the conditions in Karachi, but I think that statement is true.

224. And perhaps they are three times as high in Bombay as they are in other mofussil towns?—Yes.

225. That being so, why do you suggest that for qualifications for voting, rents in Bombay should be reduced to the basis of Rs. 60, and you do not suggest that they should be reduced in Karachi or in other cities?—I do not say that the voting qualifications in Karachi and other places should not be reduced.

226. I thought you did not wish any lowering of the franchise except in Bombay, where you thought that the qualification should be reduced to a rent of Rs. 60 per annum?—Particularly in Bombay we want the franchise to be lowered. I do not have any objection to the lowering of the franchise in other places.

227. Chairman: But in your memorandum on page 62 you say, "The Committee do not propose any change in the case of either the major or the minor municipal boroughs, but in the case of the town of Bombay the Committee are of opinion that the franchise should be lowered so that all those who pay Rs. 5 as rent per month should be held entitled to vote." I gather you say that really you have not considered the Karachi case?—We have not considered the case of Karachi. We had only limited our attention to Bombay.

228. Sir Arthur Froom: I wanted to know whether you had any special consideration for Bombay in recommending a lower franchise as compared with other cities. Have you any particular object in view?—There are many labouring classes in Bombay who come from the Deccan and other agricultural districts.

229. You think the lowering of franchise in Bombay to a rental of Rs. 5 a month, or, in other words, Rs. 60 a year would bring in everybody who lives in Bombay?—Of course, that would enfranchise a large number of people.

25 October, 1928.] Mr. GANGAJIRAO MUKUNDRAO KALBHOR and Mr. K. S. GHORPADE, B.Sc. [Continued.]

279. Everybody in Bombay, I suppose, pays a rental of Rs. 5?

Dr. Ambedkar: The rent of the Bombay Improvement Trust chawls built before the war is less than Rs. 5. It may be Rs. 4.

280. Sir Arthur Froom: There is only one other point on which I should like to get your opinion. You have given in this book your views on the future constitution of the Provincial Government. Have you any views on the future constitution of the Central Government? Do you think it should change or

remain as it is?—Yes, we have some suggestions, though those suggestions are not embodied in this Memorandum. We think that Dominion Status ought to be given to India as a whole and the Provinces should be made autonomous.

281. Lord Burnham: Why are those views not embodied in this book?—We were considering there only the conditions of the Deccan and Karnatic. But we are authorised to state that, with regard to the Central Government, Dominion Status should be given and the Provinces should be made autonomous.

### Mr. GANGAJIRAO MUKUNDRAO KALBHOR and Mr. GHORPADE, B.Sc., called and examined (on behalf of the All-India Mahratta League).

282. Chairman: I understand from your Memorandum that your view is rather that you would not like to see the seats reserved for Mahrattas given up?—(Mr. Kalbhor): Yes.

283. You wish to retain reservation of seats for Mahrattas?—Yes.

284. I think that you suggest that the number of seats reserved to Mahrattas should be increased?—Yes.

285. To what number do you want it to be increased?—It should be increased according to the population of the Mahrattas.

286. Do you mean to say that you have got to find out the total strength of the population and then increase the number of seats of the Mahrattas in the same proportion?—Yes.

287. I think you are a member of the Legislative Council, representing the Poona district rural?—Yes. I was member of the Legislative Council for the last six years.

288. Mr. Ghorpade is a landowner?—Yes, from the Satara district.

289. Do I understand that you suggest that you should group the communities here and have communal electorates for Brahmins, for Mahrattas, for untouchables and for the rest?—Yes.

290. That is following the same general scheme as we have already examined this morning. I think there is no other distinct point which you would like to mention. These are your main points?—Yes.

291. Rao Sahib Patil: I think you would not have submitted a Memorandum to the Statutory Commission had there been no agitation on the part of the non-Mahrattas for separate seats?—Yes.

292. So if the non-Mahrattas have no objection to unite with the Mahrattas in promoting the interests of the backward classes, you have no objection to have a general constituency?—I have no objection; but the existing number of seats should be increased, so that the Mahrattas will get proper representation on the Legislative Council.

293. May I take it that you want to have an adequate representation of the backward classes in proportion to their population?—Yes.

294. And if you get that adequate representation for the Mahrattas and allied castes you are quite satisfied?—Yes.

295. Sir Hari Singh Gour: I see from your Memorandum that you want to abolish the Privy Council?—(Mr. Ghorpade): Yes.

296. You want to establish a Central High Court, by which you mean a Supreme Court?—Yes.

297. You do not want to have bi-cameral legislature. You want to abolish the Council of State?—Yes.

298. And you want the Viceroy to have the power of veto and certification?—Yes.

299. Having abolished the bi-cameral legislature, you say that the Central Legislature should not be

authorised to legislate any discriminatory act against any foreigner or any foreign interest. Under the existing Government of India Act the Central Legislature has got the power to legislate for all persons and places. Now, do you want to put a curb on this power of the Legislature?—Yes, as far as discriminatory legislation is concerned.

300. Then who will legislate in respect of the excluded subjects?—The Central Legislative body should be authorised to pass all legislation. But if a foreigner thinks that his interests are in danger then he should have the right to appeal to the Central High Court and test the legality of that particular legislation.

301. Therefore, you want to give the Central Legislature plenary power subject to an appeal to the supreme tribunal; that is what you mean?—Yes.

302. You have stated here that the surpluses of the Central Government should be redistributed amongst the provinces. But what about the general taxpayer? Would you not give relief to the general taxpayer who contributes to the central revenue? Supposing he has been more than normally taxed and there is a surplus, you will certainly like a reduction of taxation, will you not?—I do not want that the general taxpayer in one Province should be benefited.

303. If the general taxpayer pays more than what the Central Government is entitled to, is it not fair to pay him back the excess or the surplus which has been extracted from him rather than redistribute it among the provinces?—I do not follow you.

304. I suppose the first charge on the surplus must be the general taxpayer. The Central Government, when they have got surpluses, must consider whether the people have not been overtaxed, and consequently the reduction of taxation should be the first question that they must consider when they have surpluses, and they should not automatically redistribute them among the provinces?—The taxpayer, of course, will be the main person who will be recipient of the surplus. Whether it is given through the provinces or in any other way it would make little difference so long as the taxpayer gets the relief.

305. Major Atlee: You wish that India should be divided on a linguistic basis. Have you made any detailed proposal for the part you are inhabiting?—The Mahratta-speaking part is divided into many groups even in British India, leaving aside the native States for the moment. I should like that all these parts in British India should be grouped into one.

306. You mean part of the Central Provinces and part of the Bombay Presidency should be combined?—Yes.

307. Has your organisation considered that question in detail, with regard to finances and so on?—No, we have not.

308. Just a general vague idea?—Yes, in a way it is vague.

**A Note by the Honourable Mr. A. M. K. DEHLVI, Barrister-at-Law (President, Bombay Legislative Council), to the Statutory Commission, on Separate Electorates and Reservation of Seats.**

Nothing in this note should be construed to imply that I am not entirely at one with the all-India demand for complete autonomy and responsible government; and I understand the great object of the Commission is to inquire, in terms of the Government of India Act and the Royal Proclamation of 1919, as to what steps towards further reforms be taken. That mainly involves the question of the introduction of greater element of responsibility in Government, and the truly representative character in legislation, making the executive responsible to the popularly elected legislature; and, further, giving to the legislature full powers which characterise modern constitutions. I, however, am strongly of opinion that nothing in this direction can be achieved in the best interest of India and the Crown unless and until—never for a moment losing sight of the enormity and diversity of interests, some of which, unfortunately, may remain eternally conflicting—the communal question receives the utmost statesmanlike considerations which the situation in India demands. In fact, the Indian problem, and, if I may say so, the problem for the Commission to solve, is the problem of the minority—and, indeed, the major minority, I mean the Muslim minority. I am not going counter to the legitimate demand for full responsible government when I state that political development of the country should and can only be on lines which, while ensuring the administration of India by Indians, and for Indians, would not allow any one section of Indian citizens to exploit the other, and trample under foot their just and legitimate rights. I think I am right in thinking that any constitution framed without regard to this all-important factor, allowing for a contingency of the kind I refer to to arise, would be against all accepted canons of democracy and representative government. For, is it not an accepted principle that the legislature must reflect in its composition the political temperature of the country for the time being. And for that reason alone, if not for any other reasons, every interest and every section or community must necessarily have equal opportunity and equal franchise with reference to the economic condition of every community. Circumstances and conditions prevailing in India do not permit of applying political theories which might be in consonance with, and might therefore find favour in certain circles, the conditions prevailing in the place of their origin. They will generally be found to have little bearing or reference to life and conditions in this huge continent of ours. It should also be conceded that political principles are evolved out of practical life and varying conditions prevalent in different countries. Unfortunately, the social and political conditions in this country, the deplorable communal mistrust and tension of feeling, with its not infrequent tragic outburst and developments, make it the first duty of the Commission to examine the situation and make special provision for it, without being biased by preconceived political theories and ideals.

Now, among the minority communities, Muslims, as I have stated, form the major and the most important minority. Their widely different cultures, religious beliefs and interests require effective safeguards. Together with a careful study of their history (and even in recent times before the advent of the British in India), and traditions as a nation, must be studied and examined, their economic conditions, their indebtedness, their acknowledged backwardness in education, their utter want of organisation, the communal differences, and, above all, the fact that practically trade, commerce, banking and the press of the whole country is controlled, owned and influenced by the majority community. Referring to the press, I may appropriately state here that in this Presidency, excluding Sind, there are about 181 papers controlled by the majority community and only 23 by the Muslim community, the

figures of Sind being 32 Hindu and 11 Muslim papers, although the latter is the majority community there. A further classification of these figures will be found interesting. The Presidency proper is divided into three divisions comprising about 20 districts. The total area in square miles of these three divisions is very nearly double that of the whole of Sind; namely, 77,035 square miles. The Northern Division has an area of roughly 14,000 square miles; the Central 38,000 square miles; while the Southern has 25,000 square miles. The population in the Northern Division is about 37 lakhs, in the Central 60 lakhs, and in the Southern 49 lakhs.

To begin with, there is no Muslim paper published in English. Out of the 23 Muslim papers, vernacular or anglo-vernacular, 12 are published in Bombay City, and the remaining 11 go to the credit of the various districts, namely, about four to the Northern Division, about six to the Central Division, and one to the Southern Division; whereas, the Hindu figures stand in prominence as follows:—

- 46 in the City of Bombay;
- 47 in the Northern Division;
- 54 in the Central Division;
- 34 in the Southern Division;

a large number of them being in English and practically all the vernacular languages.

These factors make safeguards for the Muslims absolutely necessary. If you ask me what those safeguards should be, I may mention a few as indispensable:—

- (1) Provision in the fundamental laws of the country;
- (2) Adequate and effective voice to the Muslims in the matter of change of constitution;
- (3) Unhampered opportunity and facility to send their true representatives to the Legislatures who would voice the true opinions and feelings of the Muslim community.

And for the purposes of the above safeguard (3), the Muslims must claim and maintain, especially in the light of the drawbacks and handicaps specified above, under which the community is suffering terribly, separate representation and separate electorates, until and unless at some future period conditions in the country and experience justify alteration of this safeguard.

Much has been said and magnified in behalf of some far-reaching advantages of joint or mixed electorates. But I must confess that I have seen nothing convincing advanced to justify the change suggested, except that it would result in the ultimate annihilation of the Muslim individuality. Although for practical purposes the Muslims, as compared to other castes and creeds may be called a community, but if the conditions prevailing even on the Continent of Europe, of a conglomeration of smaller communities than ours, which stand out as full-fledged nations in their own right, are a reality, the Muslims in India are a nation by culture and tradition (second to none in the world) and even number, having a population of over 70 millions, which, I think, is bigger than that of Great Britain and that of France, and has an advantage even over the entire German nation. To deny that would be tantamount to denying the existence of a nation. And, as such, while co-existing with other major communities or nations, the Muslims can legitimately claim to maintain their distinct individuality in the matter of representation in the Legislatures and can in no way harm the general interests of the country. For, otherwise, we are right in our fear that we will have no representation at all, or hardly any, in Provinces where we are in a miserable minority. Moreover, mixed or joint electorates, wherever they have been tried so far, have been not





NOTE BY THE HONOURABLE MR. A. M. K. DEHLVI.

[Continued.]

deals with the whole question in Chapter III under five heads, four of which are:—

- (1) Reservation of seats on population basis, both for majorities and minorities;
- (2) Part reservation for majorities with freedom to contest other seats;
- (3) Proportional representation;
- (4) No reservation, but special safeguards in the constitution for educational and economic advance of backward communities.

The Report is not opposed to (2), except that it does not agree to applying it to Bengal and the Punjab, which is the crux of the whole question. As to (3), the Report opines that under the present circumstances in India it will not work, and recognises that difficulty as a considerable one. And as to (4), the Report admits that a unanimous acceptance of the proposal is not possible. And, as to (1), the recommendation is that in provinces other than Bengal and the Punjab, there should be reservation of seats for Muslim minorities on population basis with the right to contest additional seats, the same right being given to non-Muslims in the North-West Frontier and Baluchistan Provinces.

Take, first, the question of reservation of seats in provincial legislatures. The Lucknow Pact of 1916, which was adopted in principle and many details also by the Southborough Committee, has given certain number of seats to the various provinces. Referring to the Mahomedans, it provides for them in para. 4 of that Pact (giving Bombay one-third of the elected Indian members), because the Pact held that "adequate provision should be made for the representation of important minorities and the Mahomedans by election through special electorates on the provincial legislative councils." The conditions which weighed with the All-India leaders to accept and make that recommendation, as well as the grounds which convinced the framers of the existing constitution obtain in the country to a much greater degree to-day than they did then. For, one must blush to acknowledge the unfortunate and the most deplorable state of feelings rampant throughout the length and breadth of this great continent, between the two major communities, which has resulted in nothing short of mutual distrust and suspicion, and I think to a degree justifiable on either side. While meeting a pressing expediency the recommendation made and carried out did not at all deprive the Hindu community of its majority position.

One, therefore, cannot conscientiously suggest a safe departure from the present system of the Muslim representation and the reservation of seats in the provincial councils, although one cannot overlook the fact that the Punjab and Bengal have their special grievance in this connection.

The Nehru Report, while recommending reservation of seats for the Muslims on population basis—perhaps by way of a sop to make up for the weakness of the recommendation—presumes to compensate the Muslims by giving them a right to contest more than the number of seats reserved for them in proportion to their population. But what can this so-called concession amount to, in case of a community the percentage of which only ranges between 14 and 5 in the various provinces, and which is, further, so hopelessly diffused over the whole of each province, with the one single exception of a part of U. P.? The results can be easily imagined under these circumstances. The chances of securing a seat beyond the reserved number will, indeed, be nil. The case of the Mahomedans of the Presidency proper, whose proportion of population is about 8 or 9 per cent., becomes an important expediency for the examination of the Commission, particularly when Sind is excluded from consideration.

Now, to the question of reservation of seats in the Central Legislature. It is at present one-third of the total strength of the Assembly. The Nehru recommendation is one-fourth to the proportion of the population. The population is a little over one-fourth. So the margin of contention is very slight, although the one-third makes a world of difference as a safeguard to the minority, which, after all, does remain a minority even in the strength of one-third, and, therefore, does not harm the majority. But the one-third of the Muslims in the Central Legislature is an indispensable necessity, particularly if in the alteration of the constitution or other important subjects, and, in short, if in the distribution of power the Central Legislature secures a lion's share. I do not think this demand can be seriously contended, when such a contention will rightly lay a charge against eminent leaders of both sides of violating moral and legal obligations. It is a matter of no little surprise to find that the great leader of the Nationalist Svarajist Party, namely, Pundit Motilal Nehru, should have discarded considerations in this respect which he had, on more than one occasion, advocated in the history of this demand. Perhaps it is just as well that I showed how he has done so. That was settled and agreed to on all hands by a resolution in the Indian National Congress at its session held at Madras in December, 1927. As a matter of fact, even before that, in the Indian National Congress session of 1926 at Gauhati, its working committee was called upon to take immediate steps, in consultation with leaders on both sides, and submit proposals on questions of differences between the two communities. Consequent upon this, the Muslim leaders assembled at Delhi in March, 1927, and accepted the proposals negotiated with them for the reservation of one-third of the total number of seats in the Central Legislature. They also issued a manifesto to that effect. This Muslim manifesto was received with general satisfaction by all parties in the country. As a matter of fact, the one-third proportion was the original suggestion of the President of the Hindu Mahasabha made at its sitting in 1924. In short, when the All-India Congress Committee considered this question, a resolution to that effect was moved by Pundit Motilal Nehru himself, when he is reported to have said:—

"Personally I am of the opinion that nothing better could have been proposed under the circumstances."

Dr. Moonje, also the President of the Hindu Mahasabha, "in the capacity of a representative of the Hindus," declared "I have no objection to the resolution." And Mr. Kelkar, another leader, while supporting the resolution, said his "conscience was clear in the matter." Mr. Jayakar "very willingly" accepted and supported the resolution. Dr. Ansari, in an interview in the *Bombay Chronicle* of 27th May, 1927, characterised it as "very honest and equitable." The agreement, therefore, of the one-third proportion was arrived at with the fullest consent and approval of all parties, and was as solemn as it was binding on all the parties. It is, therefore, now breaking of solemn pledges to go back upon it. Finally, the Indian National Congress formally confirmed the agreement at Madras, the Sikh members associating themselves with it.

Rightly or wrongly, as I have said—and that does not take away from the stern facts as they stand to-day in the country—the Mussulman minority in general entertains grave doubts about the political sense of responsibility of the huge majority, which commands all the power that can arise out of wealth, number, organisation and education, which, unfortunately, the minority community lacks and will lack for a long time to come. I, therefore, join with the Muslim demand for the reservation of one-third representation in the Central Legislature.

## Memorandum submitted by the Central Labour Board, Punjab.\*

**Franchise.**—Under the present Government, both for Provincial and Central Legislatures, the voting qualifications are determined by age, education and ownership of property, and thus the great masses, who form the major portion of India's population, are barred from taking any part in the constitution of the Government. To make the future Government of a more representative character it is essential that the general adult franchise should be adopted, and, if the present circumstances do not allow this, the property qualifications should at least be so relaxed as to cover a fairly large portion of the population to make the representation real in spirit. So far as Labour is concerned, every member of a registered trade union should be given the right of voting for Provincial and Central Legislatures. The "Achhoot" (untouchables) organisations should also be favoured with this right. The tenant should also be given a vote when his landlord has got one. Women aged 35, and those educated up to a certain standard and not less than 22 years of age should also be given the right of voting.

**Electorate.**—Joint electorate should be introduced with multiple transferable vote, but the allotment of seats should be fixed according to the proportion of the census of each community. One-fourth of the total seats should be reserved for labour (half by nomination to be made by labour organisations) and the other half by election in special constituencies created for the purpose. The daily increase and representative character of labour and the great part it is playing for the economic welfare of the country requires that it should be given hand in the administration of the country, so as to remove all possibilities of having any future trouble of Capital and Labour.

With this view in mind it is suggested that one-fourth of the total seats of Provincial and Central Legislatures should be allotted to the various interests under the main head "Labour," half of them to be elected by the members of the registered trade union by means of special constituencies created for this purpose and the other half to be nominated by the Government in consultation with labour organisations, whether registered or not.

It may not be out of place to mention here that the special constituencies at present maintained under heads Landlords, Industries, Chamber of Commerce, and like are always represented by Capital, and, as such, should be altogether abolished, because Capital has all the chances of being represented in the general constituencies, while Labour has no such chance.

**Labour Ministry.**—The potentialities of labour are being recognised all over the world; it is essential that its interests should be adequately safeguarded by the appointment of a separate Labour Minister in each Province, so to be nominated by the Governor along with other Ministers having the unanimous support and confidence of all the Legislatures, whether elected or nominated. He should be in charge of all matters relating to the welfare of labour, peasantry and untouchables, their education, health and sanitation, and should see to the proper operation of all laws touching the interest of Labour, such as the Trade Union Act, Workmen's Compensation Act, The Trades Dispute Act, Women Welfare Act, Factories Act, Unemployment Act, Old Age Pensions Act, etc., and should from time to time introduce in Councils such enactments as are deemed necessary for uplifting the cause of labour, peasantry and untouchables. In the Central Government a Labour Member should discharge all such functions in All-India subjects.

**Indian States.**—There should be Labour Commissioners appointed by H.E. the Viceroy and the Governor-General in Council to co-operate with the Agent to the Governor-General for Native States with

a view to see that all enactments made in British India about the welfare of labour, etc., are brought into operation in the native States.

**Central Government.**—The subjects which are now being dealt with by the Central Government, like railways, posts and telegraphs, Customs and marines, should be represented by Labour Members in the Central Legislature elected by the labour employed in such departments through their registered trade unions. Special constituencies should be created for this purpose, and in case this is not feasible at present such members should be nominated on the recommendations of registered trade unions.

**Court of Arbitration.**—In each Province a Court of Arbitration should be appointed with a tribunal consisting of three representatives of the Labour, three of the Capital, two from the Government, and two from the public. They should elect their President from amongst themselves. In case of disputes between Labour and Capital not being settled within two months' time the tribunal shall have the right of interfering in the matter and giving a final award on the case binding on all parties.

**Labour Employed by Government.**—Employees should be given equal partnership in the management, control, direction and finance of the department concerned through their representatives nominated by their registered trade unions.

**Free Education.**—It should be made obligatory on employers to open day and night schools and colleges, at their own expense, according to the requirements of the labour. Such schools should give technical training of the industry in which the labour is employed. Such education should be compulsory and free of charge for labour classes.

**Stability of Service.**—No such agreement made by the Secretary of State for India on one side and the employees on the other should be valid if it provides any term or terms regarding the discharge or dismissal of any employee on any pretence of a month's notice or incapability, except that he is convicted for fraud, etc., by a competent court of law.

**Living Wage.**—Living wage should be ascertained by the Labour Minister and no one should be paid less than such wage.

**Minimum Wage.**—There should be some proportion fixed between the minimum and maximum wage.

**Old Age Pension.**—Government or local bodies should be compelled by legislation to make arrangements for payment of an old age pension to those who are above 60 years of age.

**Peasantry.**—The waste lands under Government, even after irrigation, should not be sold but given *gratis* or on nominal value to those only who pledge to cultivate such lands personally for their own benefit, and such agriculturists should be provided by Government with improved agricultural implements on co-operative basis.

**Secretary of State.**—Office of the Secretary of State should be abolished and the India should have direct dealing with the Parliament through Colonial Office.

**Upper House.**—No upper house should be created.

**Local Bodies.**—The revenues of the local bodies should be supplanted by as much good grant as possible to cope with the expenses of health, sanitation, education, etc.

**Provincial Government.**—There should be no "Reserved Subjects" in Provincial Governments, and Provincial autonomy should be granted, with the formation of Government on Federal system.

\* The Board has since been registered under the name of the "Central Labour Federation, Punjab."

MEMORANDUM BY THE CENTRAL LABOUR BOARD, PUNJAB.

[Continued.]

*Executive.*—Executives should be responsible to the Legislature. All Budget demands should be votable. Governor-General in Council should be the head of the Executives without any power of veto in matters dealt with by the Legislatures, excepting those matters which relate to foreign affairs and defence of India. No contribution should be made from Provincial Governments to the Central Government.

*Judiciary.*—Judiciary should be separated from the Executive.

*Nationalisation of Industry.*—All heavy industries should be nationalised.

*Indianisation of Services.*—All services should be Indianised, and only technical experts are to be imported from foreign countries when such are not available here.

*Oral Evidence.*—Mr. M. A. Khan will appear to give oral evidence before the Commission if necessary.

Lahore, dated 1st June, 1928.

## LAHORE.

Dated 3rd November, 1928.

## PRESENT:

ALL MEMBERS OF THE COMMISSION (EXCEPT COLONEL LANE-FOX), OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND AND RAJA NAWAB ALI KHAN), AND OF THE PUNJAB PROVINCIAL COMMITTEE.

Deputation from the Central Labour Board, Punjab (Mr. M. A. KHAN, President, and Messrs. S. D. HASSAN and M. D. AKHTAR).

325. *Chairman*: You say, Mr. Khan, that your memorandum is on behalf of the Central Labour Board, Punjab, Lahore. What I should like you to tell us first of all is how do you come to be a separate body such as you are? When did it happen, and what did happen? Whom do you represent besides yourself?—We represent the General Workers' Union, North-Western Railway, registered under the Indian Trades Unions Act.

326. Is there no other body representing the organised labour of the North-Western Railway but yours?—The Board represents, in addition to this body, the Tonga Workers' Union, registered under the Indian Trades Unions Act, and the Motor Drivers' Union, also registered under the Indian Trades Unions Act.

327. So your Board claims to represent three unions?—These are the registered bodies, sir. There is one other union, the Mechanical Engineers' Union; that is also registered under the Indian Trades Unions Act.

328. Is the Central Labour Board itself registered?—The documents have been filed since the last four months.

329. That is not quite an answer to my question. I am asking whether the Central Labour Board itself is registered?—No, sir. It is under the process of registration.

330. You have applied for registration?—Yes, sir; we have applied for registration.

331. *Mr. Hartshorn*: May I ask you, Mr. Khan, whether the Central Labour Board is affiliated to the All-India Trade Union Congress?—No, sir.

332. Does the Central Labour Board confine its activities entirely to the industrial side of labour, or is it in any way associated with the political movement?—No, sir, it is purely a trade union.

333. And you are not affiliated to the Trade Union Congress?—No, sir. None of the unions in this Board is affiliated to the Trade Union Congress.

334. Have you as officials of this union submitted the contents of this memorandum that you have submitted to the Commission to the membership of your trade union?—Yes, sir. It is in this way, that we who are the chief workers of different unions combined ourselves into this body and we have submitted this memorandum in consultation with our bodies as well.

335. You say that you submitted this document to the membership?—Yes, sir, with the consent of our members.

336. They considered it and they approved?—Yes, sir.

337. And they approved of the propositions contained in this document?—Yes.

338. I notice your first paragraph deals with the franchise, and you say that the village masses are barred from taking any part in Government because

of the high franchise, and therefore you suggest that in order that representation should be made effective the franchise should be lowered?—Yes, sir.

339. Either it should be made universal, or, if that is not practicable, you say it should be lowered?—Yes.

340. What you refer to here is: "To cover a fairly large portion of the population, to make the representation real in spirit." What qualification do you think would bring about that result?—Every member of a registered trade union, every member of an "Achhoot" (Untouchables) organisation, every member who is a tenant himself, every member—

341. Excuse me. Apart from all these special considerations, you say that the property qualifications should be lowered. And what I would like to know is have you any particular property qualification in view, or what is the figure that you think would accomplish the end you have in view?—That is in the case of property owners, the property qualifications should be lowered.

342. To what point?—I think it should be lowered at least to half of the present one. But in the case of trade unions and the "Achhoot" organisations and tenants, every one as a member of these organisations should have a right of voting as such.

343. You contend that membership of a trade union should in itself constitute a right to vote?—Yes, sir. As the bodies are registered now, a register is maintained and they are properly on the register. So they may be allowed to vote just as the managing directors and company shareholders were previously allowed votes in industrial constituencies simply because they were members of certain companies. So we request that hereafter proper members shown in the register may be given a chance of voting.

344. Could you give the figure of membership of the Central Labour Board?—I should say, sir, that the proper registered membership at present would not be more than eighteen to twenty thousand.

345. And that is not confined to Lahore, that is, to the Punjab?—At present it is mostly confined to Lahore. In the case of the labour union the members belong to out-stations also, viz., Ambala, Ludhiana, Karachi, Peshawar, and certain other stations.

346. Apart from the railway workers, are there any other trade unions' members outside of Lahore?—There are organisations, sir, but they are not registered. They are under the process of registration, and I expect by the time the Reforms come there may be a good number of unions outside Lahore.

347. In any case you contend that membership of trade unions should carry with it the right of the franchise?—That is my request.

348. *Chairman*: I am not quite clear about that point. Do you mean that instead of a member or members being nominated as at present they should be elected, and that they should be elected by the

NOTE.—The Central Labour Board has since been registered under the Trade Unions Act (XVI. of 1926) as "The Central Labour Federation, Punjab."



3 November, 1928.] DEPUTATION FROM THE CENTRAL LABOUR BOARD, PUNJAB.

[Continued.]

377. It looks as though the number is something in the neighbourhood of 3,000?—Yes, in Lahore it is about 3,500.

378. The reason why I asked you is this, we gave out notice that anybody who sent us a Memorandum claiming to be representative must set out in the Memorandum how many people he represented and your Memorandum does not do it?—I am sorry we omitted it.

379. *Major Attlee:* Do you represent any particular section of the railway union, the less skilled workers or the skilled workers?—I represent the manual workers.

380. You do not represent the drivers?—I represent the drivers, as also the workmen, mechanics and engineers; but we do not represent the clerical staff at present, and that is for the reason that the recognition has been withheld by the authorities, and no sooner we get it they will also join.

381. Tell me how many members of your union have got votes for the Legislative Council?—I think it may be about 1 or 2 per cent. at the most.

382. How many of them have got votes for the Municipality of Lahore?—All of them.

383. Have you ever had a representative in the Lahore Municipality?—No, Sir.

384. Have you run a candidate?—I stood as a candidate, but the railway officers set up a candidate (a contractor) against me, and all the railway labour voted for him after having good meals.

385. How many members are there in the Motor Drivers' Union?—There are about 1,200 members.

386. Are they all in Lahore?—Mostly in Lahore.

387. Is your union centralised? Have you got branches outside?—We have got branches; one at Amritsar, one at Jullundur, at Ludhiana, at Saharanpur, Sukkur, Lyallpur and other stations, and there are branches at Karachi and Ghaziabad also.

388. Are these branches affiliated to the Central Labour Board?—Yes.

389. The Labour Board is a federal body and represents large unions?—Yes.

390. How many delegates represent each union on the Board? Is there any rule on the matter?—Yes, we have rules. Unions representing more than five thousand members have five seats and the others having a lesser number are given one seat each.

391. Are these delegates who represent the unions on the Board elected?—The unions send them down.

392. I want to know the form that the election takes place. Is that election done with the ballot paper?—No. Voting is done by show of hands.

393. Have your members had experience of voting?—Not yet.

394. *Lord Strathearn:* Among your members do many speak or read English?—Very few.

395. You told us that this document was referred to all the members and approved by them. How was it referred to them?—We translated in Urdu the demands contained in this Memorandum, which was drafted in our body and passed by the Central Board under a resolution.

396. Was the printed document referred to the members in Urdu?—It was written out in Urdu and copies were given to each member of the Board, who had to read them out and get their sanction.

397. Can you send for the use of the Conference an Urdu copy?—We have not got any; we never got it printed in Urdu, we got it printed only in English.

398. It was explained verbally to all your members?—We read the translated copy in Urdu; it was also published in vernacular papers and in *Khawar*, our own organ.

399. *Chaudhri Zafrullah Khan:* You have got at present at any rate one nominated member, in the Legislative Council, for Labour?—Yes.

400. I want to know whether any touch is maintained between the member who represents Labour and your board with regard to these matters?—Since he has been employed by the Nawab of Kazipur he is out of touch now, but previously he was in touch.

401. What are the scales of pay, if you can tell us, of drivers in the North-Western Railway?—Indian drivers have different scales of pay as compared with Europeans.

402. The average?—The average pay of an Indian driver is Rs. 45-50 a month.

403. Are there any European drivers who are members of your organisation?—Yes, we have some Europeans.

404. What is their pay?—Their rate of pay comes to about Rs. 350 to Rs. 400 a month on an average, including all emoluments.

405. With regard to the skilled workers in the workshop, mistries and other people, what would be the average pay of a mistry who is put over the heads of a few workmen in the workshop?—About Rs. 4 a day for twenty-six days in a month.

406. Are you aware that anybody who, in the city of Lahore for our present purposes, pays a rent of Rs. 8 per mensem for his dwelling-house or a portion of a house is entitled to become a voter for the Council?—Yes.

407. Do you mean to say that none of these persons, the European drivers and the Indian mistries and others, pays a house rent to the extent of Rs. 8?—I have already stated that their number is small; it is not more than 2 per cent.

408. What does an ordinary workman in the railway workshop get?—There are only very few who get more than Rs. 30 a month.

409. What is the average rent for two or three rooms rented by an ordinary labourer or workman in Lahore?—Eighty per cent. of the labourers in Lahore cannot afford to have a house on a rent of more than Rs. 3 or Rs 4 a month.

410. I understand that if the qualification were reduced to about Rs. 3 rental per mensem, almost every one of your members will be entitled to a vote?—I think if it were to be reduced to Rs. 2, as in the case of municipalities, every member will have a vote.

411. If it is reduced to Rs. 3 almost every member will have a vote?—Yes, nearly every member.

412. *Mr. Owen Roberts:* You said a European engine driver gets Rs. 350 to Rs. 400, including all emoluments, and you also said that an Indian driver gets Rs. 50?—The average is about Rs. 50.

413. What does he get, including all emoluments?—If we take all the Indian drivers together, the average will come to Rs. 50.

414. All the Europeans taken together the average is about Rs. 250?—Yes.

415. Are you aware of the number of labourers employed in agriculture?—I am not in a position to give you any definite idea about that.

416. You have no idea what proportion your union in the matter of labour represents to the total labour of the Punjab?—You mean the industrial labour or physical labour?

417. The principal labour is agriculture?—No, Sir. We have taken only industrial labour.

418. So you have excluded agriculture from your view?—I do not entirely exclude them because, after all, they are a class for which I have great sympathy and my organisation, too, covers them.

419. This memorandum is not submitted on behalf of that class?—No.

420. *Dr. Narang:* All the three gentlemen who form your deputation are Mahomedans?—Yes.

421. Have you not got Hindus and Sikhs in your organisation?—We have. But, unfortunately, we could not get them together since we were given notice only at one o'clock yesterday to form a deputation.

422. What is the percentage of non-Mahomedan membership in your union?—About 20 per cent.

423. Is it because you have asked for representation according to population that no Sikh or Hindu has joined your deputation to support this memorandum?—I think it is only fair that every community should have representation according to its population.

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[Continued.]

424. I do not want to know what your opinion is. I want to know whether it is not a fact that the non-Mahomedan members have not joined you because you are asking for representation in the Council in proportion to population?—No, it is not a fact.

425. What are the qualifications for membership of your union?—Any employee of the railway who is in the subordinate cadre can become a member.

426. No conditions of payment of any subscription?—Yes, he has to pay admission fee and subscription that is laid down in the rules.

427. You have mentioned about the multiple transferable vote. Do you understand what it means?—What I understand by that is this: In the case of a joint electorate, election is to be made both by Hindus and Mahomedans together. Supposing you have a constituency in which ten members are standing for election of whom two Hindus and two Mahomedans are to be elected. Now the man who has four votes in his hand may give all of them in favour of Hindus or in favour of Mahomedans or two for Hindus and two for Mahomedans, or divide them by giving one to each. After those votes are counted the four top men will be taken, two from Hindus and two from Mahomedans, that is the number allotted for each community.

428. You have mentioned on page 80 of your memorandum that you want industries to be nationalised?—Yes.

429. Do you not want the land also to be nationalised, to become the property of the State to be given to people who are fit to cultivate it?—Ultimately we will require that.

430. Why not now?—Do it now, if you want.

431. I see you have said in this memorandum that "The waste lands under Government, even after irrigation, should not be sold, but given gratis . . . ." You say you want industries to be nationalised wholesale, but for land you want to wait?—I will not mind if land is nationalised; I will be glad if it is done.

432. But why do you not like to add it here in your memorandum?—We are representing industrial labour.

433. Is not agriculture an industry in your definition? Can you carry on agriculture without land?—I have already answered that we represent only industrial labour.

434. Does not industrial labour include agricultural labourers?—It does, but at present we do not represent agriculture.

435. You lay emphasis on health, sanitation and education in your memorandum at the bottom of page 79. Would you insist on education being made free to relieve the burden of the labourer?—I will lay this burden on the employer.

436. Would you like it to be compulsory?—Yes, up to the primary stage and free throughout.

437. You have said that the employers should open schools at their own expense. Supposing the Government were to do it and make education free and also compulsory up to the primary stage, will it not meet the requirements?—I am here to express the view of labour; in this respect we have already stated in the memorandum what we feel in the matter.

438. Supposing I have got a small factory in which there are about fifty labourers. Your view is that I should open schools and colleges for such a small number of people and that the State should be relieved of this duty?—In that case you can join with another employer. What does the State mean?—They take money from you. Instead of the State doing it why can you yourself not do it?

439. *Sardar Ujjal Singh*: Do you know how many Sikh members are on your Central Board?—None.

440. Was a special meeting of all the members of your board called for considering this valuable memorandum that you have submitted to the Conference?

—Whatever members we had on our board they were called together and they considered it.

441. *Rai Sahib Chaudhri Chhotu Ram*: What does an ordinary motor-driver earn per mensem on an average?—I should think it is about Rs. 35-40.

442. *Sir Hari Singh Gour*: You said this Central Board was started, if I understood you rightly, in March, 1925, but it has not been yet registered.—The papers for registration are with the registrar for the last four months.

443. *Chairman*: Why were the papers for registration sent only four months back?—The Trade Unions Act was applied to this province only at the end of 1927, sir.

444. *Sir Hari Singh Gour*: Have you got any rules for the guidance of your board?—We have.

445. Have you got a copy of rules?—I am sorry, I have not brought it.

446. Is it in print?—Yes.

447. When was it printed?—Just before we filed the papers for registration with the registrar.

448. Is it because, under the Trade Unions Act you have to send the rules to the registrar before the union could be registered, that you have framed the rules?—No. We had rules previously, but they were revised and printed before submission to the registrar.

449. You are a paid member, Mr. Khan?—I am not paid by the Labour Board, but I am paid by the General Workers' Union, North-Western Railway.

450. What is your designation?—General Secretary.

451. For how long have you been general secretary?—I am the general secretary of the union since its inception, from 1920, I am in the railway labour field as a general secretary of different organisations who have been changing their names.

452. So you have been changing the names from time to time and one cannot identify any organisation. As regards this Central Board, do you hold any meetings?—We hold meetings once a month.

453. How many meetings have you so far held?—Since we filed the papers with the registrar we have held about six or seven meetings.

454. Do you keep proceedings of these meetings in a minute book?—Yes.

455. Are the proceedings circulated to the members of the Labour Board for information?—No; if they want they read them.

456. How many attend these meetings?—Usually seven or eight.

457. Now I wish to ask you, Mr. Khan, who are these seven or eight members who attend?—Out of these seven, five or six are representatives of trade unions and the remaining are those who sympathise with labour.

458. That is to say, out of the seven members who have attended your meetings two of them are merely sympathisers and only five or six belong to real trade unions. Will you please tell me when this draft memorandum was submitted to this Labour Board? Was it at a meeting attended by five men?—I have already explained that we circulated the memorandum amongst the masses, it was read before different meetings and was published in vernacular papers before the Board submitted it to the Conference.

459. Let us go step by step. Seven members were present at the meeting, of whom five members represented trade unions and two were sympathisers. The next step you took was to circulate it to the unions. How many copies were circulated?—One copy of Urdu manuscript was given to each of them.

460. How many copies went out?—Ten copies were circulated.

461. Can you tell me how many members read this?—I have already stated that it was explained to the members in open meetings of these trade unions.

462. You yourself have said that five members attended the meeting. Out of the five, three of you

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[Continued.]

are here and there are only two more missing now?  
—This is not a union but a board.

463. Have you got any funds to keep this Board going?—We get from all the unions a certain fee according to our regulations.

464. How much money have you got?—We have got Rs. 40 or Rs. 50 in the bank.

465. When was it paid last?—That came to the bank in the month of March.

466. How much out of that Rs. 40 have you spent?  
—Rs. 40 is the balance. We got Rs. 200 in March.

467. Is it a fact that you got Rs. 200 by levying subscriptions from various people?—Yes, from different organisations and also by donations.

468. Do you keep accounts?—Yes, because we have to send them to the registrar.

469. Have you got the accounts here?—I have not got any accounts here. We will have to send them to the auditor.



Memorandum submitted by PANDIT NANAK CHAND, B.A. (Punjab), M.A. (Oxon.), Barrister-at-Law, Advocate, High Court of Judicature at Lahore; Member, the Punjab Legislative Council (Hoshiarpur, non-Muhammedan Rural); Secretary and Whip of the National Reform Party of the Punjab Council; Fellow of the University of the Punjab; and President, Punjab National Democratic League, Lahore.

## CHAPTER I.

### *The Punjab Problem.*

The Punjab offers a very complex and complicated problem to the political thinker and statesman. Politicians outside the Punjab have called this Province the Ulster of India, a communal Province, and various other names have been given to it. The Punjab Council has been condemned as a reactionary body inasmuch as, according to these politicians, it has betrayed India by co-operating with the Simon Commission. Certain politicians have gone so far as to dub the members of the Council as traitors, job-seekers, and place-hunters. These attacks notwithstanding, the members of the Punjab Council have stood firm in their resolve to place full material before the Commission for their consideration in the firm conviction that thereby they are rendering real service to their own Province in particular and to India in general. The fact of the matter is that the formula of the politicians for reconciling the conflict of interests between the majorities and minorities does not apply to Punjab conditions. The Punjab contains three powerful religious communities, namely, the Mahomedans, the Hindus and the Sikhs. Moreover, here in the Punjab are statute-created privileged castes enjoying favours based upon birth. Here in the Punjab you find the Government bent upon conferring still greater privileges upon these favoured classes. The Punjab, therefore, presents problems which do not exist in other provinces. The politicians in India and the Government of this country have alike shown little keenness to study them in all their bearings. It is all the more necessary, therefore, that we who, on account of our closer connection, are in a better position to get at the reality make an humble effort to understand the Punjab problem and place our study of the situation before the Commission and the people at large.

1. The Punjab is the home of three religious communities, as stated already. The Mahomedans are in a majority. They are 55 per cent. of the total population. They are rich and powerful and not a backward community as the Mahomedans in some other provinces are considered to be. They are the largest owners of land and are strong, virile and communally better organised than the other communities. The introduction of the communal principle in our present constitution has further strengthened their position and has whetted their communal appetite for establishing the rule of their own community in all spheres of public life, whether political, economic or educational.

Next in numerical strength come the Hindus, who form about 32 per cent. of the total population. You cannot afford to ignore them. In spite of the repeated efforts of the dominant community to stifle them, they have succeeded in making their voice heard in the Council and other spheres of public activity.

The Sikhs, though only 11 per cent. of the population, have shown what religious zeal, enthusiasm and tenacity of purpose can accomplish. They successfully carried on a very powerful and well-organised propaganda for securing reform in their religious institutions. Their remarkable spirit of sacrifice and infinite capacity for suffering have extorted admiration from even their enemies. They are not prepared to submit to the domination of any religious community in the Punjab, especially when it is remembered that they were the rulers of the land only a few decades ago. They have, though in a minority, boldly proclaimed themselves against the principle of communal or religious representation, but when the Mahomedans claim majority of seats in the Council

and services on the population basis the Sikhs, on their part, claim the recognised right of the minorities to special concession for excessive representation. The demands of the Mahomedans, therefore, become impossible of reconciliation with the claims of the Sikhs.

2. Then there is the problem created by the Punjab Alienation of Land Act—an Act which is peculiar to this Province. This Act has divided the people of this Province on caste lines—a division that has since been gathering strength daily. It is a serious problem of a novel nature, demanding speedy solution.

3. The Punjab is almost a frontier province, and the policy of conceding any advanced measure of self-government or full responsible government must be very carefully considered and adopted with due safeguards. The problem of defence, therefore, needs most careful consideration. The policy of the Indian politicians and of the Government of India in conceding the system of religious representation to the Mahomedans of the Punjab has a direct bearing on the question of defence. The districts of the Punjab beyond the Ravi, stretching up to Afghanistan, contain population predominantly Mahomedan. Beyond these frontiers are Mahomedan independent States—Afghanistan, Persia, Arabia, and Turkey—fully alive to the situation in India, and always ready to take advantage of the political and religious disturbances in this Province. The question whether the communities, especially the Mahomedans, should be given further opportunity to organise themselves on a religious basis has, therefore, a very important bearing on the defence problem.

Under the circumstances explained above, it becomes extremely necessary to study the actual working of the reforms in the Punjab and to observe carefully the effect of the system of communal representation on the life of the Province, especially with reference to the life of the Hindu minority.

## CHAPTER II.

### *Communal Representation and the Minorities.*

The acceptance of the principle of communal representation and its application to our present constitution has led to communal tension and communal riots. I contend that the creation of communal electorates and the working of reforms on communal lines in the Punjab has been mainly responsible for Hindu and Muslim riots, resulting in destruction of property and loss of human lives, and further it has, in the Punjab, substituted British *Cum* Mahomedan rule in place of British rule.

### *Communal Representation Cannot be Claimed by Majorities.*

It is recognised on all hands that the principle of communal representation was devised for the protection of minorities, and, indeed, it is admitted by the authors of the Montford Reforms that the majorities cannot claim communal representation. Under the Minto-Morley Reforms this principle of communal representation was not extended to the Punjab Council, and a perusal of the Montford Report shows that it would not have been applied to the Punjab had there been no Congress-League Pact, i.e., the Lucknow Pact of 1916.

### *Evils of Communal Representation.*

The authors of the Montford Reforms have very forcibly pointed out the evils resulting from communal representation. They state, "Division by creed and classes means the creation of political camps organised against each other, and teaches men to think

as partisans and not as citizens, and it is difficult to see how the change from this system to national representation is to occur."

It is certain that the illustrious statesmen responsible for the reforms would not have accepted this principle had their hands not been forced by the Congress and League Pact of 1916, and had not the Government of India backed up the demand of the Muslims for separate representation. The working of the reforms in the Punjab has fully justified the nervousness of Mr. Montagu and Lord Chelmsford. The history of the Punjab for the last seven years amply shows that the worst fears of the authors of the present reforms have been fully realised in this regard.

#### *Communal Electorates and their Results.*

The creation of communal electorates under the present reforms is a baneful feature. The separation of the three communities in the Punjab into three watertight compartments has divided the Province into three hostile groups. At the time of the three elections held so far there has always been a strong desire on the part of the candidates and their supporters to give communal colour to their speeches and election manifestos. This state of affairs has brought into prominence communal leaders who, in order to gain political importance and wield political power, inflame the religious passions of the ignorant voters and incite the people to murders and murderous assaults.

The communal newspapers, which owe their existence to the reforms, in order to secure extensive circulation and in order to make themselves popular with their respective communities, have been violently anti-national and hopelessly communal. The creation of communal electorates, therefore, has been instrumental in bringing to the forefront communal leaders and communal newspapers whose activities have threatened the peaceful and orderly life of this Province.

#### *The Muslim Ministers Promote Communalism.*

The Council, thus elected on the basis of religious divisions, has provided a fruitful soil for sowing the seeds of communal hatred and bitterness. It was in 1921 that Sir Fazl-i-Hussain was chosen to represent the Musalmans in the Cabinet, and L. Harkishan Lal to represent the Hindus, while the Sikhs were represented by S. Sunder Singh Majithia, who was then made the Revenue Member. Mahatma Gandhi, at this time, was successfully leading the non-co-operation movement, in which the Hindus, Musalmans and the Sikhs joined. It is clear that the Muslim Minister wanted a party for his support, and he set about to form one.

#### *Muslim Minister Extends the Principle of Communal Representation beyond its Original Scope.*

Sir Fazl-i-Hussain entered upon a policy of creating communal divisions in the Council. The principle of communal representation was extended beyond the limits originally intended to (a) the Public Services, (b) Municipalities, (c) Schools and Colleges. Public posts under the control of the Minister were filled by his Muslim nominees, and the non-Muslims already in Government service were superseded. In municipalities separate communal electorates were created, and it was sought to give preponderance to the Mussalmans in as many departments and municipal committees as possible. Admissions to schools and colleges were regulated on the basis of the candidate's religion.

#### *Bitter Protests against his Doings.*

This led to bitter protests from other communities against the policy of the Minister. In the first Council a vote of censure was moved against him, in which the Hindus and Sikhs joined. Hartals were organised by the Hindus to give expression to their feeling of resentment. On his reappointment as Minister, in the second Council, the Sikhs and Hindus, by way of protest, walked out of the Council Chamber at the time when the Governor came to deliver his opening speech.

As a mark of extreme dissatisfaction with the action of the Muslim Minister in increasing the seats allotted to the Mahomedans in the Lahore Municipality, the Hindus boycotted the Committee for six years, notwithstanding the repeated efforts of the Government to break the boycott. In some other towns of the Punjab, also, the Municipalities were boycotted for similar reasons.

#### *The Government Attitude Helpful to the Minister.*

In all his activities, which had for their aim the benefiting of the Mahomedans at the expense of the Hindus, the Minister had the full approval of the Government. It was mainly with the assistance of the solid official bloc that Sir Fazl-i-Hussain succeeded in carrying his policy. The pages of the Government reports bear testimony to the fact that the Government was not wholly disinterested in strengthening the Mahomedan Minister's position. After Sir Fazl-i-Hussain, his successor, R. S. Ch. Chhotu Ram (at present a nominee of the Muslims on the Punjab Simon Committee and the leader of the Muslim Party, otherwise known as the Nationalist-Unionist Party) continued the policy of his predecessor, and was also instrumental in introducing further caste distinctions. The third Minister, M. Feroz Khan Noon, cannot afford to dispense with the help of the Muslim bloc, and, therefore, he also is compelled to follow a pro-Muslim communal policy, as is evidenced by his recent political activities in the matter of election to the Simon Committee and at the Mahomedan Educational Conference, held at Jullundur this year (May, 1923), where the actions of his colleague, the Hindu Minister, were criticised and condemned.

#### *No Joint Responsibility in the Cabinet.*

Under the circumstances there could not possibly be any joint responsibility of the Ministers. The Ministers of the minority communities either must submit to their Muslim colleague and help in injuring their own communities or must resign and make way for another Muslim Minister. The fact is that the responsibility of the Ministers has been individual and divided.

#### *Council Mainly Divided on Communal Lines.*

I have already referred to the efforts of Sir Fazl-i-Hussain to divide the Council on communal lines. The constitution of the Council and the Minister's policy, to befriend the Mahomedans, are mainly responsible for creating these divisions on religious lines. The Government Report of the Reforms Enquiry Committee, 1924, has the following remarks at page 10:—

"The main criticism which is made against the departments administered as transferred subjects is that the Ministry of Education (Sir Fazl-i-Hussain) has subordinated the interests of his department to the support of the communal interests of the Mahomedans. It was not unreasonable that the Minister should attempt to secure definite opportunities to the community which constitutes his chief support in the Council."

Sir Fazl-i-Hussain succeeded in breaking the Hindu and Muslim alliance in the first Council and in organising the Mussalmans into a separate camp. In the Administration Report of 1921-22, page 28, we read:—

"The composition of the House lends itself to the domination of the Mahomedan vote and we find that non-official Mahomedan members, with few exceptions, steadfastly support the Minister for Education (Mian Fazl-i-Hussain). This tendency is to some extent influenced by the question of communal representation, a subject which obtained considerable prominence in the proceedings of the Council."

In the second Council Sir Fazl-i-Hussain's party was definitely organised on communal lines, and included in its ranks all the Muslim members of the Council. In the Punjab Administration Report of 1923-24, we

## MEMORANDUM BY PANDIT NANAK CHAND.

find, at page 2, under the heading "Growth of Party System":—

"The Mahomedans in the Council were organised into a practically solid party of 35."

*Parties in the Present Council.*

In the third Council the division of the parties is also mainly on communal lines.

(1) The Mahomedan Party, consisting practically of all the Muslim members, calls itself the Nationalist-Unionist Party, and sometimes is termed by the Government as the Rural Party. With the exception of two Hindus, who in all matters vote and side with Mussalmans, there are no other communities represented in this party.

(2) The Hindu Party calls itself the National Reform Party, and is sometimes termed by its opponents as the Urban Party, though the majority of its members represent rural constituencies. This party has consistently opposed communal representation, and its programme is resolutely to oppose any further extension of this pernicious principle.

(3) The third party is the party of Sikh councillors.

(4) The fourth party, the Congress, Khilafat and Akali Party, calls itself the Nationalist Party. This party in almost all questions, and the Muslim Party in the majority of questions, form the opposition in the present Council. The so-called Nationalist Party comprises five Mahomedans, seven Sikhs, and two Hindus; but a study of the Council reports will show that on all communal questions the members move resolutions, deliver speeches and ask questions and vote as Hindus, Mussalmans and Sikhs. I am ready to substantiate this statement of mine by actual instances from the authorised reports of the Punjab debates.

*Party System Impossible.*

Thus it will be clear, that no such party system as prevails in countries where representative institutions flourish exists in this Province. Nor is there the slightest likelihood that such a system will ever come into existence so long as communal representation and separate religious electorates continue.

The activities of the majority of members in the Council or outside it have been largely influenced by communal feelings and considerations. The atmosphere in the Punjab has been steadily going from bad to worse and innocent people have suffered because of this atmosphere. Since the introduction of the Reforms, frequent communal riots have disfigured the history of this Province.

*Council Weak and Inefficient.*

The Council thus divided on communal lines has been weak and inefficient. It has failed to take advantage of the opportunities opened out to it by the Reforms. The members have not been able to bring forward and carry through any beneficial legislation. Attempts have been made by the dominant community to sow the seeds of dissension between the minorities and to promote ill-will among the various classes and castes.

*Officials Exploit these Differences.*

The Government's share in this strife has been most unhappy. The official members have not failed to take advantage of this division, and in order to carry their demands, sometimes with the help of Muslims and sometimes with that of non-Muslims, have exploited these divisions. The members, whether Hindu or Muslim, whether rural or urban, have condemned such activities of the officials in no uncertain terms. R. S. Chaudhri Chhotu Ram on the 29th February, 1928, in his speech on the general discussion of the Budget, said: "While Government is prepared to ridicule the proposals put forward by non-official members, while it stoutly opposes any motion that is made by members in the interests of

smallholders, Government itself is not prepared to put forward any alternative suggestion which might go to ameliorate the lot of the poor zamindar. So the situation seems to be hopeless. The Council in the first instance does not possess full powers, and in the second instance it is weak and divided (hear, hear). Government takes advantage of the weakness and divided character of the Council and it can afford to ridicule any suggestion, however reasonable and howsoever just (hear, hear)." Members of other parties have also used similar expressions on more than one occasion.

This unhappy state of affairs can only be ended if the system of communal representation is abandoned, if the division by religious communities finds no place in the new constitution. There is no justification for retaining this system in the Punjab where the minorities, i.e., the Hindus, the Sikhs and the Christians in the clearest possible terms have condemned it and earnestly seek its abolition.

CHAPTER III.

*Rural Party v. Urban Party.*

I have already stated that the Council is mainly divided on communal lines, but it is claimed by Government that communal divisions are giving way to divisions based upon economic interests, and that there has come into being the Rural Party as opposed to the Urban Party. This claim on the part of Government is without foundation. It represents their desire rather than the actual facts. I contend there are no such parties as rural and urban, and further that no such division is possible under the existing conditions.

There are seven Hindus, five Muslims and one Sikh, representing 13 urban constituencies, and if you add to this number the member representing "Industries" there are 14 members in all. These 14 members have never formed a party as against the other members representing agricultural or rural interests. Moreover, such a party could not possibly work effectively either in supporting or opposing the Government.

*Government's Aim to Create Parties on the Basis of Caste.*

The real object of the efforts on the part of the Government and the Mahomedan Minister has been to divide the Council (in reality to divide the Hindus and the Sikhs) on caste lines, in other words, on the basis of privileged castes created by the Alienation of Land Act, and non-privileged castes on whom disabilities regarding the purchase of land have been imposed by this Act.

*Government's Desire Intelligible.*

The desire of the Government to give an economic and political aspect to the parties is intelligible. Muslim and non-Muslim disputes have tended to lower the prestige of the Government. They have led to very violent disturbances. Life and property have become unsafe. Government which prizes prestige so much has been the sufferer along with the minority communities. The idea is steadily gaining ground that Government is unable to take efficient steps to prevent riots, and loss of human lives and destruction of property which come in their train. Therefore, it has been anxious to see the Council divided on the so-called Rural or Urban lines. The Punjab Alienation of Land Act, which is described in Government reports as the "Magna Charta of the Zamindars," furnishes to the Government a ready instrument for giving effect to these wishes.

*Government's Efforts to Create a Rural Party.*

In the second Council, therefore, the Government took the initial step to carry out its desire. It ap-

pointed, first, Chaudhri Lal Chand, an "Agriculturist" and a lawyer belonging to one of the privileged castes, to fill the post of the Hindu Minister, though he had only a following of four members. And when Chaudhri Lal Chand was unseated his place was given to Rai Sahib Chaudhri Chhotu Ram with the same small following of four members. These appointments were sought to be justified on the ground of the two Chaudhries representing "Rural" interests, though both were lawyers by profession, and are in every sense of the term "Urban." This marks the beginning of a definite attempt on the part of the Government to create the so-called rural party in the Punjab Council. The appointment of Ch. Chhotu Ram as Minister could not be justified on any constitutional principle and I contend that the real object was to divide the Hindus and the Sikhs on caste lines, as these communities were not in the good books of the Government at that time. Ch. Chhotu Ram and his followers tried their utmost to play the part marked out for them. Debates which were carried on in the Council by the so-called Zamindars and the resolutions which were moved by these Hindu "Rurals" failed, however, to change the established division of the Council on communal lines. The Administration Report for the years 1924-25 recognises this fact in these words—*"communal differences were more strongly emphasised and formed the basis of the most of the questions asked in the Council."*

In the third elections, Rai Sahib Chaudhri Chhotu Ram's party suffered heavy defeats. He lost the rural constituencies of Gurgaon and Rohtak; and had the melancholy satisfaction of leading a single follower, Ch. Duli Chand (representing rural Karnal) who won his election by a very narrow majority of 77 votes. Rai Sahib Chaudhri Chhotu Ram's pro-Muslim policy as a Minister was largely responsible for his reverses. This also shows that the mass of voters is not influenced by this division of people into "Rural" and "Urban" which it is the earnest desire of the Government to see flourishing. The ex-Hindu Minister, however, became an ally and a leader of the Muslim party and has since been nominated by the Mahomedans to the Simon Committee. R. S. Chaudhri Chhotu Ram and his followers retain the goodwill of the Muslim party, because they are engaged in the "happy" pastime of dividing the Hindus on the basis of caste.

As an instance I quote the following from Ch. Duli Chand's speech in the Punjab Council delivered on March, 1928: "I therefore take this opportunity to propose that the lands reserved for sale should be divided into parts to be sold separately to Muslims, Sikhs, Christians and Hindus. The proposed division should be made on the basis of population of the different communities mentioned above. The portion set apart for the Hindus should be further divided into two parts to be sold separately to the agriculturists comprising Gujars, Ahirs, Jats, Rors and Rajputs, etc., and non-agriculturists comprising Banias, Aroras, Khatries and such other tribes of money-lenders."

#### Conclusion.

Comment on this is superfluous. I most emphatically state that there is no party division which may be styled as Urban and Rural, and agriculturists and non-agriculturists or zamindars and non-zamindars are terms which have been wrongly applied to describe the conflicts of privileged with non-privileged castes created under the Land Alienation Act. While admitting that these conflicts are not so frequent as conflicts between Muslims and non-Muslims, I dare say that if the British Parliament is sincere in its desire to put India on the path to National Democratic rule it must by legislation make the granting of privileges on the basis of a person's caste or birth impossible.

#### CHAPTER IV.

##### *Communal Representation in Services and its Attendant Evils.*

The policy pursued by the Punjab Government in making appointments to the public services has been the subject of debates in the Punjab Legislative Council. The Mahomedan demand now is that all posts under the Government should be filled according to the population of the communities and further that the zamindars, i.e., the agricultural privileged castes, should be recruited to the extent of 80 or 90 per cent. Thus posts are sought to be filled not only on religious basis but on caste basis as well.

The Punjab Government, even before the introduction of the present Reforms, had given indications of its desire to make concessions to the Muslims. With the introduction of the Reforms the communal principle has been applied to an extent which cannot be justified on any ground.

The part played by Sir Fazl-i-Hussain (the first Education Minister) in this matter has already been referred to. The protests against his policy proved of no avail. The Government, too, has been giving way to the demands made by the Muslim members and the Muslim press. In the Punjab a regular campaign is being carried on against those departments where the number of Muslims is less than 55 per cent. The High Court and the University have become the regular subject of debates in the Council and outside the Council. A most unwholesome and dangerous propaganda has been and is being carried on.

In departments where the Muslims are in a majority they continue to be in a majority, and in other departments efforts are being made by the Government to give them the preponderance for which they clamour.

The Government has further accepted the principle of filling up posts on caste basis and the so-called zamindar castes are loud and insistent that they should get a lion's share of the public posts. Government has been giving way steadily. These concessions instead, of allaying the thirst of the favoured communities, have made them still more vociferous, and a state of things has been created which is most deplorable.

##### *Efficiency being Sacrificed.*

- (i) Efficiency and merit have been sacrificed and corruption and incapacity in the public services are on the increase. In new departments the Hindus, especially the non-agriculturist castes, are excluded. Their exclusion from the department of Co-operative Societies has resulted in the employment of dishonest and inexperienced men of the privileged castes. Even the Government has been obliged to point out this danger to the efficiency of services. Extracts from the recent report of Co-operative Societies were given by Rai Bahadur Lala Dhanpat Rai in his speech in the Council in February, 1923, which may well be reproduced here. Rai Bahadur Lala Dhanpat Rai said: "As regards the causes of dishonesty, I will draw your attention to page 12 of this Report, where the Registrar, Co-operative Societies, says:—

"He will, of course, endeavour to persuade, but argument may fail, especially where a bank defends an incompetent employee on communal grounds. Directors are deplorably unwilling to employ non-agriculturists, though the bania is the best of all bank managers."

The Honorable Minister Sardar Jegindar Singh endorses these remarks in the following words:—

"The prejudice of certain directors against the employment of non-agriculturists as

manager and accountants is unfortunate and has doubtless been one of the chief causes of the frauds and irregularities noticed in the Report."

(ii) *Communal Bias in the Administration is Increasing.*

It has been repeatedly asserted that the subordinate police in times of riots sympathise with their co-religionists and instances could be quoted where distinctions of religion have been made in the levying of the Punitive Police Tax by the administration.

*Communal Bias Invading the Judiciary.*

- (iii) Communal bias is invading the administration of justice in the subordinate judiciary. Complaints have been made more than once that this evil is raising its head. In a debate held in the Punjab Council on the motion of a Muslim member for the recruitment of subordinate judges on the population basis, protests were made by the Hindus and the Sikhs against such a policy. The Government member who spoke on behalf of the Government admitted the force of the protests and made some very pertinent remarks. He said: "Sir, I venture to remind the House that the Government is a government for all, not for a class (hear, hear), if we recruit according to communal percentages by communities, an idea, a very terrible idea, will get about, in the service—(A Voice: It has got there already)—that a man is in the service not primarily to serve the Government but because he belongs to a community and that in his actions in the service his chief occupation should be service to that particular community."

But the deplorable results are already there. Government servants have started considering themselves the servants of their particular communities. It is the beginning of a state of affairs too terrible to contemplate.

*Riots Instigated by Educated Men.*

- (iv) Riots, murders and murderous assaults are instigated by the dissatisfied educated men in order to make the Hindus agree to Muslim demands. Sh. Faiz Mohamed (representing the Mahomedan rural constituency of Dera Ghazi Khan) very frankly and candidly stated that educated men were the instigators of these diabolical crimes. He said in his speech in the Punjab Council, made in March, 1928: "If the Government is anxious to do away with the present communal tension, as I am sure the Government is, the only way to achieve this object is to give each community its share in the administration of the Province, including the administration of justice. Nothing short of it will give the country and the Province permanent peace \* \* \* I can say on the strength of my personal experience that these riots and disturbances are fomented by the dissatisfied educated men. Ignorant masses do not commit riots of their own accord. As a matter of fact they are incited to these riots by the educated. I mean the dissatisfied educated."

It has been stated in the Council more than once, and in the Mohamedan Press very often, that riots will continue so long as Muslim demands are not accepted.

There can be no limits to these demands. Communal appetite when once awakened can never be satisfied. The desire for domination is loud, insistent and keen. Government's weak policy has been responsible for increase in communal crime.

The members—representatives of minority communities—have more than once begged the Government to change its policy and rule out religious and caste considerations altogether while making appointments. But all to no avail. The desire to conciliate the Mohamedans persists and no matter whether the Mohamedans are in a minority in any province or in a majority, they must be propitiated at the cost of efficiency and fitness and also at the cost of the lives of the innocent people killed in communal disturbances.

The problem presented to the Commission for solution requires a real remedy. *The minorities, whether Hindu or Mohamedan can only be protected if public posts, especially of trust and responsibility, are filled strictly on the basis of merit and efficiency, and by ruling out considerations of caste and religion.*

## CHAPTER V.

### *The Punjab Alienation of Land Act and the Constitutional Problem.*

This Act was passed in 1900 by the Imperial Legislative Council, which was not then an elected body. The only Punjab nominated member, Raja Sir Harnam Singh, opposed this measure, but the officials were anxious to see the Act placed on the Statute book. This Act is peculiar to the Punjab. It divides the Punjab population into two groups—the agriculturists and the non-agriculturists—the division is not based on occupation but on birth. There are certain tribes or castes, mostly Mahomedans, who are declared as agricultural castes, while the remaining castes are non-agricultural. The agricultural castes are the privileged castes, that is to say, the members of these castes are given certain privileges on account of their birth in a particular caste, while for the mere crime of birth in a particular caste other persons are laid under civic disabilities in regard to the purchase of land. The members of the non-agricultural castes thus find that certain disabilities which this Act imposes upon them stick to them throughout their lives and descend even to their children and grandchildren. These castes are not permitted to purchase land from the so-called agriculturists. To be an agriculturist under the Act it is not necessary that a person should be the tiller of the soil. He may not even own an inch of land, yet he will be regarded as an agriculturist if he happens to be borne in a tribe which has been notified under the Act as an agricultural tribe by the Local Government.

### *Restrictions on Franchise.*

1. I have already explained that, under the Punjab Alienation of Land Act, certain castes are prohibited from purchasing land from the members of agricultural castes or tribes. These agricultural castes or tribes are, in majority of cases, the owners of land, and when the constitution definitely lays down that for the exercise of franchise certain property qualification is necessary, it becomes important to note the effect of this restrictive legislation on the constitutional question. On the one hand, people are to exercise the right of vote if they possess agricultural land paying land revenue to the extent of Rs. 25 per annum. On the other hand, it is definitely laid down that people who are called non-agriculturists are not to purchase land under the law from the agriculturists. Thus what is given with one hand is taken away with the other. The sufferers in the majority of cases are Hindus, specially those belonging to the depressed classes with whose case I will presently deal. This exclusion of whole classes of people from the exercise of a political privilege granted under the present reforms works the greatest possible hardship and is the negation of the elementary principle of democracy which recognises and ought to recognise the equality of all men before the law and which should afford equal opportunities to all citizens to

acquire such qualifications as are needed for the exercise of the right of vote and thus participate in the Government of their country.

#### *Impediment in the Path of Unity.*

2. The second important bearing of this problem on the constitutional question is that *it has greatly intensified the rigours of caste and has thus placed another impediment in the path of the fusion of various sections into one united nation.* For privileged people will always be loth to part with power which the legislation under reference gives them. These privileges, based upon birth, have given the agricultural classes a preponderating influence in the Government of the country, as is evident from the fact that, out of 71 elected members in the Punjab Legislative Council, 48 belong to these statutory castes, although, according to the calculation made by Raja Narendra Nath, the agriculturist castes are in a minority in the Punjab. The minority, therefore, rules the majority.

#### *Precedent for other Restrictive Acts.*

3. The Act, as it stands, forms a precedent for other Acts of a similar nature which may be passed by the Punjab Council when it is granted further powers under the new Reforms.

When full powers are granted to the Punjab Council, what is there to prevent it from passing a law that a particular caste or tribe, e.g., the Banias or the Mahajans should not be allowed to compete for Government posts or to bid at auction for the sale of Government lands. I can well imagine the Punjab Council passing without much opposition a law of this kind. The veto of the Governor is a very doubtful safeguard. The Governor may not like to exercise his extraordinary powers in cases of this kind. In the new scheme of self-government, which would grant practically full powers to the Council, the Governor might hesitate to exercise his prerogative. According to the political leaders who are framing constitutions at the present moment, if three-fourths of the members of the Hindu community are opposed to a measure of this kind, then the Bill will have to be dropped. This provision ignores the fact that the Hindus themselves are further divided into various sections and castes. It is absolutely clear that a non-Mahajan or a non-Bania will not join with the Mahajan or Bania in opposing a Bill of this kind, such is the disintegrating effect of the Land Alienation Act. The attitude hitherto adopted by Rs. S. Ch. Chhotu Ram and his follower Ch. Duli Chand—both of whom are Hindu members—would show that they will be only too pleased to support a measure of the type just discussed. I would respectfully, yet strongly, ask the members of the Simon Commission whether the Punjab Council will not have the power of enacting laws of such outrageous nature, if it were inclined to do so.

#### *Privileged Castes seek Further Privileges on the Basis of Birth.*

4. The Council debates bear ample testimony to the fact that if you once create privileged classes, they ask for further privileges based upon birth. The great desire of these privileged classes now is to shift the burden of taxation on to the shoulders of the non-agricultural communities. The efforts to make income tax a provincial subject are the result of this tendency. The fact that income tax mainly comes out of the pockets of non-agricultural classes is responsible for this move. It is, therefore, important for us to consider whether the new Government of India Act should not make provision for the regulation of taxation on a just and equitable basis.

5. Turning now to the public services, we find these statutory castes insisting that 80 or 90 per cent. of the total appointments should go to them. The sectional differences in the Punjab have been encouraged, and perpetuated by the Government's

willingness in acceding to the demand for recruitment on caste basis. The various circulars issued by the Government from time to time have compelled heads of departments to adopt this policy in filling up Government posts. Apart from the communal heartburning and unrest that these measures have caused, they are also responsible for the fact that an element of inefficiency has crept into these services, which cannot but prejudicially affect the administration of the Province.

## CHAPTER VI.

### *The Depressed Classes and the Reforms.*

The importance of the problem of the depressed classes has been attracting public attention for some years. The question came to the forefront during the days of the non-co-operation movement (1920-21). There are in the Punjab 2,893,000 members of the depressed classes. The depressed castes are known to everybody. The Chamars, the Sweepers, the Meghs, the Dooms and various other similar castes are called the depressed castes. They are sufficiently well defined and well known.

#### *Causes of their Depression.*

There are various causes which are responsible for keeping these castes down.

1. These various castes became untouchables because they followed unclean trades or professions, and therefore the men of other castes ceased to have any social intercourse with them.
2. In the second place, these castes continued to hold the lowest place in society because of certain customary rules which are enforceable in Courts of law debarring them from purchasing lands in village communities. Attention was drawn to this matter by the writer in his speech in the Legislative Council on 3rd March, 1928. The result of these customary rules which have the force of law is that the depressed classes are unable to purchase agricultural lands or even residential sites in villages.
3. The third cause is the Land Alienation Act, which prevents the members of the depressed classes from purchasing lands from the privileged castes notified under the act as agriculturists. These castes, some of whom are agricultural labourers, cannot, under the Land Alienation Act, purchase land from agriculturists.

So far as the high caste Hindus are concerned they have been making earnest efforts to raise the status of these people long before Mahatma Gandhi started his campaign against untouchability. Various Hindu and non-Muslim societies in the Punjab had started the uplift work. To-day there is no such social antagonism as existed a generation ago. In Lahore the Brahmins and the Chamars are often seen dining at the same place and drawing water from the same well.

#### *Punjab Government Hostile to the Depressed Classes.*

The claim made on behalf of the Government by Lord Birkenhead is, however, without foundation, so far as the Punjab Government is concerned. The Punjab Government's attitude is distinctly hostile to the claims of these castes even for a fair treatment, as is evidenced by the following facts:—

- (a) It may be stated here that persons belonging to these castes are not as a rule permitted to draw water from public wells. In March, 1925, L. Mohan Lal Bhatnagar, a Hindu member, brought forward the following resolution in the Punjab Legislative Council: 'This Council recommends to the Government to take necessary steps to ensure that

the people of the untouchable classes are not prevented from drawing water from public wells in charge of local bodies." It will perhaps surprise the Honourable Members of the Commission to note that the resolution was resisted by the Government, and on the resolution being put to vote, was lost, as the Government and Mahomedan members voted against the resolution, while all the Hindus and all the Sikhs voted for it. The Council divided as follows:—

Ayes, 20; Noes, 29.

The division list is given on pages 197 and 198 of Vol. VIII., Part A, Punjab Council Debates, 1925.

- (b) The second incident to which I draw the attention of the Commission is the debate which took place in March, 1923, regarding the grant of Crown lands. The Punjab Government is the fortunate possessor of many acres of land, out of which grants are made to various classes of people in the Punjab. The claims of the depressed classes were pressed for favourable treatment by the writer in a speech, the report of which is given on pages 360-361 of Vol. I. of the Punjab Council Debates, 1923. The reply on behalf of Government was given by Mr. H. D. Craik (see pages 364-365). He asserted that there was difficulty in finding a satisfactory definition of the depressed class. This is obviously incorrect. However, the Government member proceeded: "After all it is not necessary to be a grantee to benefit by the colony. Anyone can go there as a tenant, the Chamar, the Sweeper, and so on. They are all welcome and they can all find a living as tenants. Is not that the proper line for their advance rather than to allot a great portion of the huge undeveloped area on which the prosperity of the province for generations to come depends to these rather vague and undefined purposes? If the honourable member says that the Government keeps them in a depressed economic position, I might retort by asking him who is responsible for their low social position?"

That is the attitude of the Punjab Government towards the depressed classes. It is prepared to grant land to members of criminal tribes and to Mahomedan Janglies, many of whom are cattle lifters, but not to the depressed castes! The reply given by the Financial Commissioner for Development ought to open the eyes of those who claim that the Government stands between the depressed classes and the higher castes.

3. As regards facilities in education the Punjab Government's record is blank. It offers special scholarships to Mahomedans and to members of agricultural castes; but so far as these people are concerned it has not afforded any such facilities.

4. I have already stated that under the Land Alienation Act these castes are deprived of the elementary rights of citizenship, namely, to freely enter into contracts of purchase and sale for acquiring agricultural lands. The Act was professedly passed in the interests of the agriculturist classes in order to protect them from the rapacity of the money-lenders. How the people of the depressed classes could have exploited the agriculturists or the privileged castes of the Act passes the comprehension of men of ordinary intelligence.

#### Conclusion.

It is, therefore, safe to assert that the attitude of the Punjab Government to the claims of these people to any special treatment has been most indifferent and in most cases actively hostile. *In the interests of sound constitutional advance it is absolutely essential that no restrictive laws or customary rules be per-*

*mitted to stand in the way of the advancement of the depressed classes. It should be enacted that all public institutions, including the wells and tanks owned by Government, Municipalities, District Boards and village communities, be thrown open to all persons irrespective of their caste, religion or race. If objection is taken to the free exercise of these elementary rights of citizenship by any section of the Punjab public then it is a matter of serious consideration whether any further step towards constitutional advance should be taken or not.*

## CHAPTER VII.

### *The Government and the Hindus.*

The Hindus in the Punjab are a minority community. This fact is often lost sight of by outsiders. The treatment accorded to them by the Government has created a widespread feeling among them that the Government has entered upon a policy the result of which is to reduce them to the position of political and economic serfs. In support of this they point to the various acts of the Government which are leading to the political and economic downfall of the Hindus in the Punjab. I will very briefly lay before the Commission some of these outstanding grievances of the minority Hindu community.

- (1) The first grievance is the existence of the Punjab Alienation of Land Act. It is contended that this Act disqualifies large classes of Punjab citizens from exercising civic rights on the ground of caste. The civic disability thus imposed on account of a person's birth in a particular caste pursues him till death. This Act was not passed by the Punjab Council, but by the Imperial Council in Lord Curzon's time, where there was no representative of the castes, who were deprived of valuable rights of citizenship.
- (2) The second grievance is with regard to the working of this Act. Many Hindu agricultural tribes are not declared as "agriculturists" under this Act. The Act is worked for the benefit of the Mahomedans to the detriment of the Hindus. This Act has strengthened the caste system, has divided the people, has deprived the non-privileged castes from acquiring lands and has been the cause of their humiliation and real suffering.
- (3) In the matter of military service the distinction of martial and non-martial races has been created for keeping out the high-caste Hindus. The Khatri, the descendants of the old martial races, have, by a strange irony of fate, been declared to be a non-military race. The policy of the Government in this respect has led to the emasculation of the Hindus and the deterioration of their physique.
- (4) In the matter of the civil services as well, the attitude of the Government and the Muslim Ministers has been deplorable. Merit and efficiency are being sacrificed in order to please the dominant community and the privileged castes. The Hindu candidates, especially those belonging to the so-called higher castes, are being arbitrarily excluded in spite of their superior qualifications.
- (5) This principle has been carried forward even in the sphere of education. Admissions to the Government College at Lahore are made on the communal basis. Similarly, in professional colleges, namely, the Medical, Training, Agricultural and Engineering colleges the pernicious rule of admitting candidates on communal or caste considerations has been enforced.
- (6) Efforts have been made to pass Bills like the Moneylenders Bill in order to destroy the trade and commerce of the Hindus. The fear of the Hindus, therefore, is well-founded that their economic ruin is only a question of time.



if things are permitted to go on in this manner. *The Hindus seek no favour or concession, but what they ask for is that a person should not be made to suffer because he is born a Hindu or because he belongs to a particular caste.*

- (7) Another grievance of the Hindus is that in times of communal troubles and tension a strictly impartial treatment is not accorded by the Executive Government in the matter of criminal prosecutions. The recent incidents may be cited as instances to show the discrimination made between the offenders of the various communities.
- (8) Lastly, as regards the medium of instruction. Urdu has usurped the place of the mother-tongue, namely, the Punjabee. Schoolboys of very tender years are made to receive education through Urdu.

The system of communal representation has, therefore, failed to protect the interests of the Hindu minority and other minorities. In place of the old British Government now there exists British-cum-Muslim rule. The minorities have been sacrificed to satisfy the desire for domination of both the British and the Mahomedans. The Hindus have not been treated with fairness and justice. There has been no question of their getting any special favour or concession which they could have claimed on the ground of their being in a minority in this Province. The problem, therefore, for the Hindus is how they can reconcile the claim of the people of the Punjab for full responsible Government with their own safety.

## CHAPTER VIII.

### *The Protection of Minorities.*

The chief problem which the Statutory Commission has to tackle is how to protect the minorities while conceding full responsible government to the people of India. We have seen that in the Punjab, the interests of the minorities have been sacrificed to please the majority community and that the system of communal representation has failed to afford any protection to minorities in general and the Hindus in particular. It is clear that this system must be abandoned and other safeguards adopted. Democratic national responsible government can only be established if no concession is made to communal demands; and privileges based upon caste or birth are abolished. Therefore, I venture to make the following suggestions, which will, I hope meet with the approval of the Commission. These principles have mainly been taken from the constitutions of other advanced countries. So long as the power of the British Parliament is supreme, it should not be open to the Legislatures and Executive Governments in India to pass any law or issue any regulation which infringes the spirit of these principles. And if British power is weakened, the minorities will themselves look after their own safety. There is no justification for the British Government to recognise the divisions based upon religion or caste or birth, and it should not give way to the clamour of the communalists or privileged castes, but should boldly place India and the Punjab on the path of democratic rule.

The following suggestions are made for the consideration of those who are entrusted with the work of settling the question of responsible Government.

1. In the Punjab the principle of communal representation by religious communities should be completely abolished, because the minorities, i.e., the Hindus, the Sikhs and the Christians, do not want it, and the Mahomedans being in a majority in the Punjab cannot claim it.
2. That equality of all men before law should be established by Statute; caste and religious distinctions in the exercise of civil rights should, by a Statute of Parliament, be abolished.
3. That as regards the filling up of posts under the Government or the local bodies the considerations of birth, caste and religion should be wholly ruled out. The posts of trust and responsibility should be filled by open competition giving equal opportunities to all the citizens of the Punjab.
4. In the Police, Military, Naval and Air Forces, all supposed or real distinctions of martial and non-martial races, tribes or castes should be abolished and all persons who come up to the required test of physical and intellectual fitness should be taken in the Services.
5. That all judicial posts should be filled absolutely on the ground of merit and efficiency, ruling out all other considerations, and the action of the judiciary should not be made the subject of debate or discussion in the local legislatures. The independence of the High Court should by Statute be guaranteed.
6. That elementary primary education should be given in the mother-tongue of the people, and Urdu in the Punjab should not be forced on the primary schools and should cease to be the medium of instruction to the exclusion of the Punjabee and Hindi (the language of the districts of Ambala, Hissar, Gurgaon, Rohtak and Kangra).
- (7) That primary education, free and compulsory, should at once be established and funds raised by new taxation, if necessary.
- (8) That freedom of worship and right of citizens for assembling for religious purposes, and freedom of propaganda for the purposes of uplift or conversion should be guaranteed to all communities alike, provided the communities behave in an orderly and lawful manner. The offenders breaking the law of the land should be dealt with impartially and in accordance with law.
- (9) That persons belonging to depressed castes should enjoy full privileges as regards civic rights, which are enjoyed by Mahomedans and higher caste Hindus.
- (10) That the citizens should have equal opportunities for qualifying themselves for the right of vote. All restrictions recognised by invidious law in acquiring property and other qualifications should be abolished. This should be guaranteed by Parliamentary Statute.
- (11) That it should be open to the citizens to test the legality of any Government order in a court of law if any regulation, order, or circular infringes these principles.

I submit that if the suggestions offered above are carried out and suitable legislation by the Parliament is passed, the question of the protection of the minorities and giving them special concessions and showing them favours will not arise. It is the desire to establish communal rule and communal domination that is at the back of the demands for communal concessions and favours. Government, by not accepting the principles acted upon by other civilised countries, lays itself open to the charge of partiality for one community and for perpetuating caste and religious distinctions for gaining its own selfish ends.

It was forcibly pointed out by Mr. Montagu and Lord Chelmsford that by making concessions to communalism you cannot bring about national spirit. If India, and specially the Punjab, is to be placed on the path of responsible government, then communalism must be destroyed. The country is not placed on the path of responsible rule as yet. We have the beginning of the rule of religious majorities—a wholly undesirable state of affairs. There is a challenge to British statesmanship and British ideals of freedom and democracy. Shall the people of India march on the path of freedom peacefully and constitutionally or shall they be forced to march towards freedom, liberty and responsible government through revolution, revolt and bloodshed? Let the men give their reply in a clear manner.



## Part II.—Constructive Proposals.

### CHAPTER I.

*The Goal.*—It is the declared policy of the British Parliament to establish responsible Government in India. The advance is to be on national democratic lines.

*Impediments in the Way of Nationality and Democracy.*—There are, however, three great impediments which stand in the way of the people of the Punjab in the development of a spirit of nationalism and democracy. They are:—

- (1) *Divisions on Religious Lines.*—The communal tension in the Punjab is very acute, and the cleavage between the Muslims, the Hindus, and the Sikhs is very marked. Communal bitterness, as I have already pointed out in my Memorandum (Part I), is intensified by the Reforms.
- (2) *Divisions Based on Caste.*—The caste divisions are greatly strengthened by the Government not only by maintaining the divisions already existing, but also by the creation of privileged castes by Statutory Law.
- (3) *The Existence of Primitive Village Communities.*—It is absolutely essential for the Honourable Members of the Commission to understand the constitution of the Punjab village communities and the privileges and powers exercised by the landed proprietors, which are feudal in character and wholly opposed to the fundamental ideas of democracy. There exists a sharp cleavage between the proprietors and the non-proprietors. The proprietors exercise feudal privileges and refuse the extension of even the elementary rights of citizenship to other classes, such as the depressed castes, the tenants, the kamins, artisans and the tradesmen.

*Government Accentuates the Existing Divisions and Creates Other Divisions.*—These impediments in the way of national solidarity and democracy would have been removed in course of time with the growth of education and the spread of modern ideas, but the policy of the Government of India in general, and the Punjab Government in particular, has strengthened these caste, tribal and religious divisions. The various enactments which are on the Statute Book and numerous Government circulars and executive orders and instructions regarding the recruitment of services have intensified communal, class and caste bitterness. The schools and colleges have been instrumental in further accentuating these divisions. The situation, therefore, presents problems and difficulties created, not only by the old social order, but by the Government themselves.

The Government seem determined to follow a policy of granting concessions and favours mainly on the basis of birth, religion and race, and it seems almost a hopeless task to persuade the Government to take a different line of action. The policy of favouring the Mahomedans at the cost of the Hindus is being ruthlessly followed under the guise of protecting the minority community; and Government grants privileges to Mussalmans as such, while it ignores the existence of the other minority communities, such as the Hindus and the Sikhs, of the Punjab and Christians everywhere.

*Indian Politician's Error.*—The Indian politician, on the other hand, anxious to break down the existing system of Government at all costs, has not unnaturally followed the example set by the Government and has accepted the communal principle in order to win the favour of the Mahomedan community and also conceded to it certain privileges which he refuses to other minorities. The existence of other minorities in

India [such as Christians, the Sikhs, and the Hindus in Bengal and the Punjab] has been especially ignored by the Indian statesmen. An attempt has been made in the Nehru Report to rectify some of the errors of the past and to place India on the road to national democratic responsible Government, but the desire to win the favour of the Muslim community has been responsible for some very serious errors in this otherwise valuable document.

*Essentials of Advance.*—To those who are prepared to think and act nationally it must be clear that we shall have to retrace our steps. The line of advance so far adopted is opposed to nationalistic and democratic ideals. The first step in responsible Government must be preceded by the total abolition of the communal principle and of privileges based upon birth, caste, and religion. The feudal privileges of the landed proprietors living in the villages must be abolished and a really democratic outlook created. Equality of all citizens of the State before the law must be established *qua* civic or civil rights. Freedom of religious worship must be guaranteed to all Indians alike, and elementary education in the language of the people must at once be introduced.

*The Scheme of Fundamental Rights.*—The authors of the Nehru Report deserve credit for having drawn up a scheme of fundamental rights which is likely to achieve most of the essentials of political advance mentioned above. This scheme of fundamental rights is absolutely essential for the protection of the minorities, be they Hindus, Mahomedans, or Sikhs. The scheme is bound to ameliorate the condition of the depressed classes and menials (kamins) in the villages. Such a scheme finds a place in the constitutions of the advanced countries of the world, and must be accepted by the British Parliament. Similar recommendations have been made by the Mussalmans of U.P. in a book published by Dr. Shafaat Ahmad, M.L.C. of the U.P. In the Memorandum which I have already submitted (Part I) I ventured to place similar suggestions before the Commission. It is expected that the Honourable Members of the Commission, true to the ideals of democracy, will recommend the acceptance of this scheme to the British Parliament.

I now pass on to make constructive proposals regarding various topics contained in the questionnaire.

### CHAPTER II.

#### 1. The Representative System as Applied to India.

The Nehru Report advocates adult suffrage. So far as legislatures are concerned adult suffrage seems to be impracticable and unworkable. There is every likelihood that the Constitution will break down if adult suffrage is introduced for election to the legislatures without the proper political education of the masses. On the other hand, adult suffrage must be extended for the purposes of local boards, municipalities and also the village Panchayats. People must be trained to exercise the rights of vote in the institutions mentioned above.

The property qualifications, so far as legislatures are concerned, must therefore be retained. It must, however, be made clear that no kind of restrictions should be imposed on any individual or class regarding the acquisition of property or any other qualifications which are necessary for the exercise of the right to vote.

*Method of Election.*—(i) The electorate should be joint. Separate representation by means of religious electorates must be given up.

(ii) Special interests, such as trade, commerce, industries and the universities must secure representation in the legislatures by means of special electorates. Unfortunately the Government's unsympathetic attitude towards the urban and educated classes is

responsible for their inadequate representation on the local legislatures.

(iii) I see no justification for retaining the constituency of big landholders on the legislative bodies, but if their representation is to be retained those people who pay large sums of income tax should also have similar representation on these bodies.

(iv) The representation of the Tamandars in the Punjab Legislative Council is an anachronism and should be abolished.

(v) The right of voting must be extended to retired civil officials on the same basis as it is granted to the retired soldiers who served during the Great War.

*The Minorities and Separate Electorates.*—Let us now consider whether separate electorates in the Punjab should be retained or not. I have already submitted that the Reforms have intensified communal bitterness and hatred. The spirit of violence has been engendered and riots and disturbances have disfigured the history of this province. The communities, instead of living in peace and friendship, are to-day ranged against one another. If a national spirit is to be created then communal representation by means of separate electorates must be given up. The Mussalmans in the Punjab, though in a majority, advocate the retention of this form of representation, because they wish to establish the domination of their own community over the other two communities. Not only do they want the retention of separate electorates for the purposes of election to the legislatures, but they also favour the extension of the communal principle to other spheres of life, such as seats of learning, services and to local bodies (wherever it is to their advantage). They are not, however, prepared to grant the same concessions to other minorities which they seek for themselves. That is the reason why the principle of communal representation has not been extended to the district boards in the Punjab. The Muslims as a rule are opposed to caste, but the Mahomedans of the Punjab favour the perpetuation of caste cleavage in order to retain the distinction of agriculturist and non-agriculturist, the basis of which is a person's birth in a particular caste. The Muslims outside this province are not in favour of keeping down the Hindu depressed classes; in the Punjab they oppose the Hindu depressed classes; but in the Punjab they oppose their amelioration as they lose a fruitful soil for carrying on their religious propaganda, for the purposes of conversion. Therefore the conflict between the various communities living in the Punjab has assumed a magnitude the parallel of which it is difficult to find in other provinces. Unless the majorities are prepared to show proper concern for the welfare and protection of the minorities it is clear that the advance can neither be sound nor rapid, and it lies with the majorities to make their choice. If they refuse to grant equal opportunities for progress to other citizens of the State, then the necessary result will be that the advance in this province will be restricted. Let us therefore consider some of the safeguards which are absolutely essential for the protection of the minorities in the Punjab.

*Safeguards for Minorities.*—In view of the increase in communal bitterness and the tension prevailing in the Punjab the following safeguards must be adopted before any advance is made.

- (i) The scheme of fundamental rights must be adopted and statutory provision made for it.
- (ii) Law, order and justice should be made Central subjects.
- (iii) Minorities should be effectively represented in the Cabinet as is done at present. The ministers should be elected by means of single transferable vote, thus giving a chance to various groups of councillors to put in their best men in the Cabinet. It is clear that if the choice is given to the Chief Minister

to appoint the members of the Cabinet he will choose such persons out of the minority communities as will be absolutely subservient to his will. The system of electing ministers by means of single transferable vote while giving protection to the minorities is in no way communal in its nature.

- (iv) The ministers should be helped in the work of their departments by the Standing Committees of the Council, the election of which should be by single transferable vote as at present. These committees should not be merely advisory, but they should determine the policy of the ministers, who should be held bound by the decisions of the Standing Committees, unless in any particular matter the decision of the Committee is overruled by the Governor on an appeal by the minister.
- (v) The power of making appointments should be taken away from the ministers and should vest in the Public Service Commission.
- (vi) Joint responsibility of the Cabinet must be enforced.
- (vii) Income tax should continue to be a Central subject and financial safeguards for protecting the interests of the minorities must be adopted. Therefore the power of taxation of the Provincial Governments should be well and carefully defined. The Provincial Governments should not be given the powers of imposing any new tax or readjust its imposition without the previous sanction of the Central Government.
- (viii) There should be effective representation of the urban, educated and trading classes, which is not the case at present.
- (ix) All bills passed by the provincial legislatures shall require the assent of the Governor-General-in-Council.
- (x) Residuary powers shall vest in the Central Government, which should have the power to suspend the Provincial Constitutions in case the Provincial Governments act against the principles of fairplay and justice or violate the fundamental rights of the citizens.

### CHAPTER III.

#### *The Punjab Council.*

The Punjab Council should be substantially enlarged. The constituencies should be made smaller so that the representatives of the people may be able to come into closer touch with their constituents. The Council should be representative of all interests about which mention has already been made.

*The British Services—Europeans and the Anglo-Indians.*—The classes mentioned above should have their representatives in the Council. These classes have got great stake in the Province and therefore it is necessary that they should have representation in the Council by means of special constituencies.

*Cabinet.*—The Cabinet must consist of the members of all communities and all interests should also be represented. Each Minister should be in charge of one or more departments. He should be helped in his work by a board or a standing committee composed of the elected members of the Council. Election to this board should take place by means of single transferable vote as is done in the case of the election to the Standing Committees of the Punjab Legislative Council. Members of this board should have a powerful voice in determining the policy of the Minister. This scheme will lead to the harmonious working between the various members of the different communities. It will pave the way for mutual co-operation and goodwill between the different communities and will considerably allay the communal tension existing in the Punjab.

*The District Boards, Municipalities and Village Councils.*—In order to make democracy a really efficient instrument of Government it is necessary to build it up on solid foundations. People living in the villages of the Punjab and towns should therefore be given real and effective political education. Responsibility should be introduced in the village panchayats, town committees and district boards.

*The village Panchayat and Council.*—There should be an elected panchayat in every village which should deal with and administer certain specified subjects such as primary education of the village, and right in and enjoyment of the common property, village sanitation, poor relief and petty disputes. In this council all communities living in the village and all interests should be represented. The kamins, the artisans and traders should have a voice in the administration of the village.

Adult suffrage should be at once introduced and the people saved from the oppression caused by the Panchayat Act of the Punjab.

*Town Councils.*—The town councils should exist in every town, big or small, and all interests in the town councils should be represented. There should be special representation of those people who pay large amount of taxes whether municipal or provincial.

*District Boards.*—The district boards should be enlarged and should be representative of the people living in the district as a whole. They should not merely be rural boards. Every adult should have the right to vote. Those who pay most for the running of the machinery of the Government may be given special representation for a specified period of time. The cumbersome machinery of governing the district with highly paid officials should be substantially modified. One District Officer, for co-ordinating different departments should take the place of the Deputy-Commissioner and the Deputy-Superintendent of Police, and the District Council should be responsible for—

- (a) Secondary education.
- (b) Medical relief and sanitation of the district.
- (c) Maintenance of district roads and other means of communication.

#### CHAPTER IV.

##### *Federation in India and Relation between the Central and Provincial Governments.*

The Government in India should be a unitary Government. The Central Government should have the power of superintendence, direction, and control over the Provincial Governments. The power of suspending the constitution of any Provincial Government should also vest in the Central Government. If the Central Government is convinced that any Provincial Government behaves in a manner which is opposed to the principle of fair play and justice, it should suspend the constitution.

Residuary powers should vest in the Central Government and not in the Provincial Governments. Sources of revenue already made over to the provinces are sufficient for the proper administration of the provinces. In case it is found that any province requires any financial help the Central Government may, on the case being made out, make a contribution for the purposes of the Provincial Government out of its funds. The Central Government should have the right in times of emergency to levy contribution from the Provincial Governments.

*Central Government.*—Much has already been said about the Central Government. So far as the constitution, position and powers of the Governor-General and his relationship to the Cabinet or to the Legislative Assembly and the Council of State is concerned the scheme propounded in the Nehru Report has met with general acceptance in the Punjab. It is once more necessary here to emphasise that any weakness of the Central Government is likely to have disastrous results.

#### CHAPTER V.

##### *Justice in India, Judiciary and the High Court.*

All the three subjects are inter-connected. Justice should be a central subject, and the High Court should be freed from the influence of the local councils. The following suggestions are submitted for the consideration of the Commissioners:—

- (1) Judges should be appointed by the Crown and should hold office during good behaviour. They should not be removed except by the Crown on the advice of the Governor-General.
- (2) The Judges of the High Court must be advocates of at least 10 years' standing. No communal or caste considerations should be permitted to prevail while making appointments of the High Court Judges, as is done at the present time. Efficiency and merit alone should be taken into consideration while making appointments to the high posts.

*Subordinate Judiciary.*—The subordinate judiciary must also be recruited from the members of the Bar. Appointments should be in the hands of the High Court Judges, who should hold competitive examinations for filling the posts. Communal or caste considerations should be wholly ruled out for making appointments in the judiciary. The present system of making appointments should, therefore, be abandoned, as it has lowered efficiency and imported communal bias in the administration.

*Separation of Executive and Judicial Functions.*—The executive officers should not be permitted to exercise judicial powers. All magistrates should be placed under the High Court.

*Revenue Courts should be Abolished.*—The revenue courts generally perform the same function as the civil courts. These revenue courts should be abolished. All revenue cases should be tried by the civil courts. They should be tried as civil cases. Distinctions between the civil and revenue courts have often led to miscarriage of justice due to conflict of jurisdiction.

*Bribery, Corruption and Communal Bias.*—The clients seeking justice and the lawyers practising in the courts should have the free right of bringing cases of bribery, corruption and communal bias in the administration of justice to the notice of the High Court. The people bringing these petitions should be given proper facilities for supporting these charges, and the High Court, after having satisfied itself there being a *prima facie* case against a person, should, by means of a commission consisting of two or more High Court Judges, make an enquiry into the conduct of the subordinate judiciary, and should remove the accused from office if the charges against him are proved.

#### CHAPTER VI.

##### *Services.*

The question of services is one of the most important subjects with which we have to deal. The policy of the Punjab Government and the Government of India in making appointments on religious and caste basis must be strongly condemned. All higher appointments should be made by open competitive examinations, and, where it is not possible, the appointment should go to the best qualified person.

All ideas of communal or caste considerations should be wholly ruled out. The power of making appointments should rest in the All India Public Service Commission and in the Provincial Public Service Commission. The members of the Commission should be appointed by His Majesty the King-Emperor and should be of the same status as the High Court Judges. It should be open to all subjects of His Majesty the King-Emperor, whether born or naturalised in India, to compete for all Government posts in India.

*Pay and Salary of the Services.*—It is submitted that the pay and salary of many of the services is very high, and a poor country like India cannot afford to

pay such heavy salaries. There should be no reservation of posts for any tribe or caste or religion in the services, nor should any percentage of Indian Civil Services be the monopoly for the British subjects. Equality of opportunity should be afforded to all. This is the best way of getting the best persons for services of the State.

#### CHAPTER VII.

##### *Status and position of India in the British Empire.*

India should enjoy Dominion status in the British Empire and should be a partner in the British Commonwealth of Free Nations on equal terms. The declaration of peace and war should vest in the Imperial Parliament. All the citizens of the Dominions which allow equal treatment to citizens of India in their territory should have reciprocal rights in India. The citizens of Great Britain and other Dominions which allow Indians to compete for their posts should be permitted to compete for posts in the Indian Commonwealth. By mutual arrangement and agreement India and Great Britain should contribute towards the expenses of all military, air, and naval forces.

#### CHAPTER VIII.

##### *Defence of India.*

The problem of the defence of India is extremely important. The Punjab occupies a unique position in this respect. The politicians and the Government of India fail to appreciate the feelings of the minorities living in the Punjab while dealing with this question. These minorities are not insignificant, but have the greatest possible stake in the Punjab. They have, so far, been sacrificed either to satisfy the whims of the politicians or to pacify the anger of the Government, which is obsessed with the idea that it is the Hindus and the Sikhs who seek the destruction of the British Government. The minorities, however, cannot ignore the hard realities of life and attach the greatest possible importance to the question of defence.

(1) The Punjab is almost a frontier Province, and its geographical position makes it open to attacks from the Frontier. Afghanistan, Persia, Turkey, Baluchistan, Turkistan and other Mahomedan independent countries being carried away by the wave of pan-Islamism can attack India at any time through the N.W. Frontier. I would, in this connection, request the Members of the Commission to study the article of Sir Zulfiqar Ali Khan, which appeared in the *Civil and Military Gazette*, dated 20th July, 1928. It graphically describes how the Afghan King holds the key of "Peace and War." (See *C. & M. G.* of 20th July, 1928.)

(2) The majority community in the Punjab consists of virile but mostly ignorant people who are easily inflamed to action and violence by fanatical leaders. The riots which occurred in Kohat, Rawalpindi, Multan and Lahore cannot be forgotten by the Hindus and the Sikhs of the Punjab. Reference may also be made here to the Hijrat Movement of 1921-22, which shows how these people can sacrifice everything at the altar of a religious idea.

(3) The Press in the Punjab especially, controlled by the majority community, is an index to the mentality of the people living in this Province. The threat that the Muslims will not be slow to use their power (when they get it) against their enemies has more than once been held out. And it is not a mere idle threat. The passions even of the educated men have been inflamed to a pitch which is dangerous in the extreme to the peace of the Punjab. Under these circumstances it is essential:—

- (i) That the Central Government should exercise complete control over the Air, Naval and Military Forces; and Law, Order and Justice must be in its keeping.
- (ii) The distinction between the martial and non-martial races and tribes should be completely abolished because this distinction has been responsible for the emasculation of the Hindus of the Punjab. All persons who fulfil the required test of physical and intellectual fitness should be permitted to enter the military services of the State. The minorities should not be hampered by unjust and unfair conventions by which the Government has sought to deprive them of their share in the military force.
- (iii) On the other hand the minority communities should have special facilities for being trained in the offensive and defensive methods of warfare. Statesmanship and foresight require that the course suggested above be adopted and lessons from past experience should not be forgotten.
- (iv) The administration of the Frontier should remain in the hands of the Central Government which should be the sole authority for determining whether reforms should be extended to the Frontier or not. Military and strategic considerations should be given the greatest possible weight for a decision on this point.
- (v) And the advance in the Punjab must also be guided by similar considerations. Security of life and property must be guaranteed to His Majesty's subjects in this Province by adopting the suggestions mentioned above.

## LAHORE.

Dated 5th November, 1928.

## MORNING.

## PRESENT:

AL. MEMBERS OF THE COMMISSION (EXCEPT COLONEL LANE-FOX), OF THE CENTRAL COMMITTEE (EXCEPT MR. KIRABHAI PREMCHAND), AND OF THE PUNJAB PROVINCIAL COMMITTEE.

## Deputation from the NATIONAL REFORM PARTY.

1. *Chairman*: I think the leader of this deputation is Pandit Nanak Chand, a member of the Legislative Council, and advocate, and secretary and whip of the party?—(Pandit Nanak Chand): Yes.

2. And we know it is a deputation from the National Reform Party. The document is at pp. 86-97. We have before us a very large and very considerable deputation. I will just read the names, if I may, for convenience; it consists of: Rai Bahadur Moti Sagar, ex-judge of High Court and vice-chancellor of Delhi University; Rai Bahadur Durga Dass, advocate, High Court, and director of the Punjab National Bank; Rai Bahadur Ram Saran Dass; Lala Juggannath Agarwall, an advocate; Pandit Bishan Narain, a barrister; Rai Bahadur Sewak Ram, a member of the legislative council and a barrister; M. L. Puri, a barrister; Honorary Captain Dr. Maharaj Krishan Kapur; Mr. J. R. Agnihotri, a barrister and then I see the name of Lala Joti Pershad, a member of the legislative council and an advocate, is he here?—No.

3. Then there is Lala Gulshan Rai, a Fellow of the Punjab University, who, in some respects, has a few special points to raise?—Yes.

4. *Dr. Narang*: The time of our disposal is extremely short, and I would like you to make your answers as brief as you possibly can. If you have any documents to which you wish to refer, please give the references and do not trouble to read anything. The references will be carefully noted. The first question I want to put to you is this: What is your ideal as to the further instalment of constitutional advance in this country?—We are all in favour of Dominion Status, provided (1) there is complete abolition of the communal principle in all spheres, i.e., in the legislatures, the local bodies, and the services, and (2) there is no discrimination of any caste or religion in the matter of the distribution of civic rights or imposition of civic disabilities. These two propositions being granted, we are in favour of an advance towards Dominion Status. If communalism or communal representation is retained in any shape or form in any province of India, we are not in favour of any reform or any advance.

5. Is not that rather a broad proposition? Is this your deliberate opinion?—This is our deliberate opinion.

6. In what way has communal representation in the council, for instance, stood in the way of political advance in this country? Will you kindly briefly explain it?—Yes; in the first place communal representation has intensified communal hatred and bitterness. In the second place, it is responsible for frequent communal riots, murders and bloodshed, which have been taking place in the Punjab ever since the introduction of the Reforms.

7. *Chairman*: Do you think that is due to communal electorates?—Yes, and I have the authority of various members of this council to support this proposition. I will briefly give those authorities, because I am asked not to read the passages.

8. *Dr. Narang*: You mean quotations from the proceedings of the council?—Yes.

10. *Dr. Narang*: You mean to say even Hindus and Mahomedans, and all kinds of members, have condemned this?—All parties, whether Hindus, Muslims or Sikhs, have said that the state of communal tension which prevails in the Punjab has become worse ever since the introduction of the Reforms.

11. Have the Reforms that you have already obtained been utilised on communal lines?—Yes.

12. In what way, do you say?—Ever since the introduction of the Reforms there has been the giving of posts on a communal basis, and latterly on a caste basis as well. This principle has been extended to the municipalities in order to give the majority community here an advantage over the other minority communities. It is the deliberate opinion of the Hindus of the Punjab that this principle of communal representation has not been introduced into the district board because the Hindus would have gained by this and the Mahomedans would have lost by the introduction of this principle.

13. There is a party in your council which is called the National Unionist Party, is there not? What is the composition of it?—This party consists of all the Mahomedans, minus a few Khilafat gentlemen, and two Hindus. This party is in a different form a Muslim party, and I can give quotations from the speeches of the council, from these very members, to show that these agriculturists or rural names that have been given to it are mere camouflage.

14. So you mean to say that the distinction of rural and urban which is sought to be made out by this party, and which is the fundamental principle of this party, is merely a misnomer?—Absolutely. This party consists of Mahomedan gentlemen who belong to urban centres, and other gentlemen representing urban interests.

15. How has this principle affected the services? Has it led to any inefficiency in the services?—Yes.

16. You have heard what Mr. Emerson said. Do you agree with him?—Not at all. I will take that very department to which a reference was made, namely the Co-operative department.

17. *Chairman*: What is the particular thing that Mr. Emerson said?—I saw it reported in the papers that he said that it has not led to lowering of efficiency in the services, and I understood—

18. Whether he said it or not, your view is that the other view is the right one?—That efficiency has been lowered? That is the correct view.

19. *Dr. Narang*: What effect has it had on the probity of Government servants, this communal principle?—There were recently prosecutions for bribery, and always a communal defence was put up. If it was a Mahomedan who was being prosecuted it was always stated that that was due to the machinations of the Hindus, and if it was a Hindu who was prosecuted it

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was stated that it was due to the wickedness of the Mussalmans that he had been prosecuted.

21. *Dr. Narang*: I should like to know whether you agree with me in this view. Does not this communal principle make people nervous as to the coming of Swaraj?—Yes. That is what has been said more than once by the Hindus, that the power given to the members of any community on the basis of caste or religion is utilised simply for the purpose of dominating other communities.

22. Are you aware that there is a section in the Government of India Act (I refer to section 96) in which it has been definitely laid down: "No native of British India nor any subject of His Majesty resident therein shall, by reason of his religion, place of birth, descent, colour, or any of them be disabled from holding any office under the Crown in India." Has this provision of the Government of India Act been acted upon in practice in various departments?—No.

23. Are you satisfied with the wording of the section, or would you like to modify it in any way, particularly the word "disabled"? Would you like to substitute the word "prejudiced"?—Prejudiced, or disqualified—prejudiced and disqualified.

24. You would like to have this section amended?—Yes.

*Dr. Narang*: Now, you have made a great deal, in your Memorandum, of the evils of the Land Alienation Act. There are certain words used in your Memorandum which may not be quite familiar to some members of the Conference.

25. I see you put there agriculturists and non-agriculturists, Zamindar and non-Zamindar, privileged class and non-privileged class. Will you kindly explain what these expressions mean? What do you mean by an agriculturist for instance?—Agriculturist in the Punjab has not got the same meaning which this word carries elsewhere. "Agriculturist" here means a member of a particular caste or tribe, notified as an agricultural tribe under the Land Alienation Act. It is not necessary that a person should be a cultivator of the land or owner of the soil or subsisting on agriculture. Even if a person is following a learned profession, without owning an inch of land, he would be an agriculturist under this Act.

29. *Chairman*: If we speak accurately, he would be a member of an agricultural tribe. I do not think the Act uses the word "agriculturist" at all?—Agricultural tribe, yes.

30. Member of an agricultural tribe. We are very familiar with this, I may tell you. I think I could pass an examination on the Statute.

*Dr. Narang*: Yes, certainly you would, Sir.

*Witness*: Then there are non-agriculturists who (in spite of the fact they are agricultural tribes in the same sense as the notified agricultural tribes) are not declared or notified to be agriculturists.

31. *Dr. Narang*: You mean a person may be an agriculturist by profession and he may also be a landholder, and yet, for the purposes of this Act, he will not be regarded as an agriculturist?

*Chairman*: Let us be clear on this. He will not be regarded as a member of an agricultural tribe.

*Witness*: Or agricultural caste.

32. *Dr. Narang*: You have referred to this as an example of caste legislation?—Yes.

33. Have there been any other instances in the council of caste legislation of this kind? Was a Bill brought forward by Mr. Harkishen Lal when Minister that the Land Alienation Act should not apply to the acquisition of land for industrial purposes and so on?—Yes, and that was defeated by the votes of the so-called members of the agricultural tribes.

34. Are you aware that that Bill was based on the recommendations of the Industrial Commission, but none the less it was defeated?—I am not aware of it, but I take it that it was so.

35. Would you also class the Moneylenders Bill which was passed by the Punjab Legislative Council, as a measure of that kind, and actuated by the same feelings?—I regard the Moneylenders Bill as an

effort made by the Mahomedans and a few members of the agricultural tribes to aim a blow at the trade and commerce of the Hindus and Sikhs of the Punjab. I said so in the debate, and this is the general view of Hindus of all shades of opinion.

36. It is only the Hindus who object to this Act, or do Mahomedans, who are not members of agricultural tribes, also object to it? Have you looked at this? (indicating document)—Yes. A representation was made by a number of Mahomedan gentlemen who have served in the Army and who want the abolition of this Act.

37. Twenty-six Mahomedan military officers who do not belong to agricultural tribes?—Yes.

38. Are you also aware there is a very important community among the Sikhs, called the Ramgariyas, who have also raised their voices against the Act?—In 1927 I attended a conference where the Ramgariyas and other Sikhs not belonging to agricultural tribes passed a resolution condemning this Act. Many of them made speeches saying they had been living on agriculture for generations and that that was their occupation, but that, in spite of that, they are not regarded as members of agricultural tribes.

39. *Chairman*: I wonder if you would help me about this, *Dr. Narang*? I appreciate the importance of this, I think, quite fully, but I feel a little confusion of mind as to what it is which it is suggested the Statutory Commission should recommend about it. You will, I am sure, at once appreciate, and so will the Pandit, that it would be a very strong order to say that what is asked for is a limitation of the powers of the local legislature, or that the Imperial Parliament should repeal some Act which has been passed by the local legislature.

*Dr. Narang*: That is not the object at all.

40. *Chairman*: Tell me in a sentence how far, having made the point absolutely prominent and clear, you think the details of the objections taken by different classes of people are relevant to this constitutional inquiry.

*Dr. Narang*: In order to show there is dissatisfaction, not only among Hindus, but also among Mahomedans and Sikhs who do not belong to the agricultural tribes, in regard to this caste legislation, of which the Land Alienation Act is only an example.

41. *Chairman*: I appreciate that you are using it as such. Does this lead up to a suggestion that there ought to be, in an amendment of the Government of India Act, some section or other . . .

*Dr. Narang*: Yes, exactly. The object is that it should be made impossible for legislatures in India to frame any law based on caste distinctions or on a distinction which depends on birth in a certain community or caste.

42. *Chairman*: Have you, or those of you who think along those lines, got as far as drafting a suggested clause?

*Dr. Narang*: Yes.

*Raja Narendra Nath*: The memorandum\* has suggested a draft clause.

*Dr. Narang*: It would conform to the desire of the Hindu community that the Government of India Act which will be passed by Parliament should make a declaration of certain fundamental principles, and one of the fundamental principles should be that nobody would be deprived of civic rights or of acquisition of property or the exercise of other rights by virtue of his creed, colour or caste or birth.

43. *Chairman*: Can you give me the page reference?

*Raja Narendra Nath*: Page 179.\* An analogous clause is quoted from the Czechoslovak Constitution which has been cited with approval in the Swaraj Constitution framed by Mr. Iyengar.

44. *Lord Burnham*: It is said not to operate.

*Dr. Narang*: We are at a great distance and we do not know.

*Raja Narendra Nath*: Pages 179-181\* deal with the point.

\* Memorandum submitted by Raja Narendra Nath, vide pp. 163-190.

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*Chairman:* I know the passage, but I like to see the thing in black and white. We have the draft clause here. If I may say so, I am trying, in your interest and that of everybody here, to help to conduct matters so as to get the work done expeditiously and within the time-table. I think the British Commissioners (if it is to them you are addressing yourself) are fully seized of this point, which is a very big one, and the illustration of the Land Alienation Act is certainly a very forcible illustration. The Raja Sahib, on page 179 of his memorandum, has gone to the very proper detail of drafting a clause; he has put in black and white for us the sort of suggestion he and his party would make. I myself think (though it is entirely for you) that that point is very clearly before us.

*The Witness:* I should like to draw your attention to the Nehru Committee's Report, where this is mentioned at page 102, Clauses (vi) and (xiii).

45. *Dr. Narang:* That is the All-Parties Conference. Now you have mentioned that, would you adopt all the fundamental principles which are laid down in the Report of the All-Parties Conference, and would you recommend them, or most of them, for inclusion in the Government of India Act?—Most of them. I have in my memorandum referred to some in Chapter VIII.

46. We need not go into those details, then. Coming to the depressed classes, they are also dissatisfied with this caste legislation and have raised their voices against it?—Yes.

47. There are eight lakhs of Chamars and six lakhs of Chuharas, together with Meghals, Doms and others belonging to the depressed classes in the Punjab. They are all expropriated people who own no land and are under other disabilities?—Yes.

48. What do you say about them? You want those disabilities absolutely removed?—Yes, I want them placed on a level of equality with the high-caste Hindus and Mohamedans of the Punjab.

49. Do you want any separate representation for them?—No.

50. You are against separate representation?—Yes.

51. You believe if they were given separate representation their depressed state would become stereotyped?—They would be exploited by people who wanted to have some importance and who would not like to raise them to the status which they deserve.

52. I draw attention to page 92 of your memorandum, where you refer to how the Chief Secretary flung a taunt at you, saying, "If the honourable member says that the Government keeps them in a depressed economic position I might retort by asking him who is responsible for their low social position." You understand the meaning of this taunt, that the high-caste Hindus have kept them in this position. Do you agree with this?—I do not agree.

53. Have the high-caste Hindus done anything for the uplift of these people?—Yes. There are four societies which are definitely working for the uplift of these classes, and in Lahore. Brahmins and members of these depressed classes are often seen dining together. In the D. A. V. College, Lahore, which is one of the premier institutions of this province, the depressed class boys are admitted freely, and recently, when the Brahmin cooks objected to cooking meals for them, the authorities dismissed all the cooks. So far as other civic rights are concerned, the higher-caste Hindus and the Hindus in the Punjab Legislative Council have often drawn attention to their bad condition. Opposition has come, I am sorry to say, from the Mahomedans and from the Government.

54. That is given in your Memorandum?—There is one particular reference to which I wish to direct attention.

55. *Chairman:* Is it in the Memorandum?

*Dr. Narang:* Yes, page 91.

56. *Dr. Narang:* Would you like to raise the number of members of the Legislative Council?—Yes.

57. What number do you suggest?—I think there should be 150.

58. And you would have joint electorates?—Yes.

59. The Hindus in the Punjab are in a minority. Will not they be swept away by joint elections?—The Hindus in the Punjab are prepared to be made a sacrifice in the interests of national and democratic advance.

60. Without this you think there cannot be any real nationalism in the country?—And no democracy. We want these things to be absolutely abolished in all provinces, and especially in the United Provinces; the politics of that Province are always reacting on the politics of the Punjab.

61. You want it to be established as a convention that all communities should be represented in the Cabinet? You refer to this on page 95. Do you want that to be a rigid rule or a convention?—With regard to that passage, I may say that is my personal opinion, but the opinion of the Hindus is that a convention should be established that whenever a minister out of the Hindus is to be appointed, he should be someone who commands the confidence of the majority of the Hindus in the Punjab Legislative Council, and not a mere dummy in the hands of other ministers.

62. *Chairman:* How do you propose, as a matter of practical statesmanship, to establish that convention?—I would suggest that the Hindus who are members of the Punjab Legislative Council might be asked to propose two or three names of people who command the confidence of the majority, and the Governor should appoint one of them. This was the convention followed by Sir Malcolm Hailey in the present council of 1926.

63. You suggest the same with regard to the Mahomedan minister and the Sikh minister?—Yes.

64. And you think there ought to be in any given government a member from each community?—So far as the conditions of the Punjab are concerned I am of opinion this principle will have to be retained for some time at least, because now there is much communal bitterness and there is insecurity of life and property.

65. It seems that what you are proposing is to reintroduce an element of communalism?—No.

*Chairman:* You think not?

66. *Dr. Narang:* You want the ministry to be responsible to the council?—Yes.

67. Absolutely?—Yes.

68. And all subjects to be transferred?—Except law and order and justice, as I have stated in my memorandum.

69. And these you want to be centralised?—Yes.

70. Do you want the Central Government to have the power of superintendence, guidance and control over the provincial governments, or do you want the provincial governments (except in regard to certain matters which must rest with the Central Government) to be entirely independent, and federated only for certain purposes?—(*Lala Jugganmath Agarwalla:*) So far as this is concerned, we do not believe in the principle of federal government for this country, for the reason that federalism is an expedient tried in countries where there are separate States and they want a kind of union between them. Here in India we have always had a Central Government, and to cut it into fragments and have independent provinces is an unheard-of thing. We therefore advocate the unitary government of India, the provinces being given certain powers.

71. You mean that India has never been a federated country; there has always been a strong Central Government, and the provinces are merely creatures of administrative convenience?—The history of India shows that whenever the country has been strong, the Central Government has been powerful; while whenever the Central Government becomes weak, India has been the prey of foreign invasion. We do not want that experiment to be tried again.

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72. *Chairman:* Do you mean your desire is (taught by the lesson of history) that the Central Government should be strong?—Yes.

73. That would apparently involve the Central Government retaining in its own hands the power of interference in certain matters in all parts of India?—Yes, the power of superintendence, direction and control.

74. *Dr. Narang:* I want to put to you one question, and that will be my last. You have headed chapter VIII. of your Memorandum "Defence of India"?—(Pundit Nanak Chand): Yes.

75. What do you think are the peculiar features of this Province which have made you so anxious about the defence of India?—In the first place, the Punjab is almost a frontier province, and, therefore, the first attack will naturally be on the Punjab—excluding, of course, the North-West Frontier Province. Then, in the second place, in this Province the communities, especially the majority community, consists of ignorant people who are easily inflamed to violence by people whose interest it is to inflame these people to violence. In the third place, we have got evidence in the Press that at times when there is commotion of any kind these people have even sacrificed their property and other things, and have looked towards Afghanistan and other Mahomedan countries for protection. I would particularly refer, in this connection, to the Hijrat Movement, which took place in (I think) 1922-23. And, next to that, the Hindus in this Province have got great stakes; they are owners of land; in trade, industry and commerce their stakes are very great indeed, and they are nervous on account of the treatment that has been meted out to them by shutting the military appointments against various Hindu castes. They do not possess at this time the same martial spirit which ought to be there. That is due to the various conventions in the military department for keeping out the Hindus from those departments. Therefore, the question of defence of India is very important for the Hindus, especially the Punjab Hindus, and I would like to make some suggestions.

76. *Chaudhri Zafarullah Khan:* Now, your view is that the introduction of the communal system of elections in this Province has directly led to communal discussion and communal riot?—Yes.

77. I presume you attribute this result not merely to the introduction of communal representation in the council, but also to the introduction of communal representation in the local bodies?—Yes, everywhere.

78. Are you aware that in all district boards in the Punjab the system of election is joint; also that in a very large majority of small town committees it is joint; and that in some municipal boards it is joint?—That is so.

79. One of the worst communal riots that has recently taken place in this Province took place in the town of Rawalpindi?—Yes.

80. Are you aware that the election to the municipal committee there is joint?—I want to make my position absolutely clear on this point. The system of communal representation in the local legislatures has led to the prominence of communal leaders, and communal newspapers have sprung up whose function it is to excite communal feeling, and that throughout the Punjab feeling among the Hindus is that it is impossible for Hindus and Mahomedans to live in peace whenever a commotion takes place.

81. Now, I put it to you in this way: That in the Legislative Council, in a very small number of town committees and in some municipal committees, there is separate representation; in all district boards, in a good many municipal committees, and in a very large majority of town committees there is the joint system, and both systems have been tried together in this Province. Your contention is that, nevertheless, the system of separate representation in this very small number of electorates has led to communal feeling, and that that is the direct cause of it. Is that your position?—No, my position is this: That in order to

get proper men in the Legislative Council from the communal point of view, and in order to secure those men who would inflame communal passions, the newspapers and the leaders that have come to the forefront have created an atmosphere of distrust, which ultimately, on various occasions, even on the slightest pretext, bursts out in riots, in arson, in loot.

82. On page 87 of the first part of your Memorandum you state that, at the time of the three elections held so far, there has always been a strong desire on the part of the candidates and their supporters to give communal colour to their speeches and election manifestoes?—Yes.

83. You are referring there, I presume, to the council elections?—Yes.

84. And in the council there is a system of separate elections?—Yes.

85. That is to say, candidates of only one community have to contest the seat among themselves?—Quite so.

86. Why should there be an occasion for manifestoes of a communal nature when A, who is a Mahomedan, is contesting the seat with B, who is also a Mahomedan?—I will explain. People go to the voters and say, "Here we are to protect Mussalman rights," and, in order to appeal to the Mahomedan sentiments, the person who makes the strongest appeal to the Mahomedan fanaticism against the Hindus gets the largest number of votes, and vice versa.

87. And so among the Hindus also?—Yes. If a candidate knows that he has to rely on the Hindu votes as well he will take very good care that he does not appeal to the religious fanaticism of the voters.

88. I put this position to you. In a system of joint electorates, if in any particular constituency there was a majority of the Hindus and a minority of Mahomedans, and a Hindu and a Mahomedan candidate were contesting the seat for that constituency, would not the Hindu candidate make appeal to his Hindu electors that, because he is a Hindu, and will protect Hindu rights, therefore they ought to vote for him?—He might do it to-day on account of the communal atmosphere that has been created by these Reforms, but with the passing of time these communal colours are bound to disappear.

89. As the result of the introduction of joint electorates the immediate result may be to intensify all these passions?—No. I am very sorry, I did not make myself clear. I said it is possible for a candidate to make an appeal, if he is Mahomedan, to Mahomedan passions, but there would be other Mahomedans who would be contesting, and would be trying to rely on a Hindu votes, and thus there would be an atmosphere of better goodwill, mutual co-operation, than exists at present. You are thinking of one candidate contest another candidate, but there might be several Hindu candidates and several Mahomedan candidates.

90. In the instance I have given you, is it your opinion that, with a single Hindu opposing a single Mahomedan in such a constituency, such a thing would occur?—It would not be intensified. That I have already stated.

91. Now, under the Morley-Minto Reforms, you are aware that in this Province there was a party to the election?—Yes.

92. Can you cite instances of that, where, after the three Reforms were ultimately introduced, the result came at the polling time, that some community or other community left on the one side, and the other?—I suggest that, and that has happened almost invariably in the constituencies where constituency electorates have been introduced. I rely on polls to a contest between the Hindu and the non-Mahomedan. (The speaker then mentioned several instances where the result was a tie, and also where the Hindu community was victorious, and where the non-Mahomedan community was victorious.)

93. *Dr. Narang:* You say that the result of the indirect election, as it is called, is that the Hindu community is victorious, and the non-Mahomedan community is victorious, and that that is the result of the indirect election?—Yes, that is the result of the indirect election. (The speaker then mentioned several instances where the result was a tie, and also where the Hindu community was victorious, and where the non-Mahomedan community was victorious.)



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145. Will you allow a proportionate increase in rural representation?—Now, I would like to know what you mean by "rural."

146. You have used the word "urban"?—In the sense of town *versus* country.

147. And "rural" in the sense of country *versus* town. Would you allow a proportionate increase to rural representation?—No.

148. Do you think that, if this distinction of rural and urban constituencies were to be abolished, urban elements would be more largely represented in the council?—There is in my mind absolutely no distinction between urban and rural. They are so interconnected with what one may regard as rural I may regard as urban. Let me illustrate my point. I belong to a village. All my life I have lived there and I have now settled in Lahore for the purpose of practising here. Am I rural or urban? In the same way Dr. Narang comes from a village.

149. *Chairman*: I understand your point to be this, that you think that the towns as at present constituted are not adequately represented as against the countryside?—Yes.

150. *Rai Sahib Chaudhri Chhotu Ram*: Suppose the present distinction between rural and urban constituencies is abolished, do you not think that towns will be represented to a much greater extent than at present?—I have not gone through this in detail.

151. *Rai Sahib Chaudhri Chhotu Ram*: You have no information on this?—As regards the actual number that will be put in the constituencies.

152. What is the number of members of your party in the council?—Eighteen or nineteen, I think.

153. How many of them belong to agricultural tribes?—Four.

154. Is any of these four persons present in this deputation?—No.

155. Is there any member belonging to a notified agricultural tribe present in your deputation?—No.

156. *Mr. Owen Roberts*: You suggested the transfer of law and order to the Central Government?—Yes.

157. Did you consider the transfer of commerce also?—I have not considered.

158. Would you be prepared to accept it?—It requires thinking over.

159. Because in another part of your Memorandum you definitely ask for having safeguards protecting the interests of minorities?—That is with regard to taxation. I have made that clear by stating that income tax and other such taxes should not be made over to the Punjab Council. I think I have explained my point there.

160. *Sardar Ujjal Singh*: You said, in reply to one question, that communal electorates do not exist in local boards. But are you aware of the fact that a formula of population and voting strength was created by the Ministry of Local Self-Government, and instructions were issued that constituencies in local boards are to be so framed as to give a certain proportion to various interests?—That is so.

161. And does not that keep alive a spirit of communalism in those bodies too?—Yes.

162. The second question is, if communalism or a spirit of communal representation is kept alive in this Province and done away with in other provinces, do you think you can drive out the spirit of communalism from the country?—Never.

163. *Captain Sikandar Hayat Khan*: You are very anxious to see that the depressed classes get representation. May I ask if you would not give them separate representation if they have no chance otherwise?—I am totally opposed to separate representation. I have said that I do not want any reforms if that is a condition.

164. Even if the depressed classes remain unrepresented?—Because from my experience I find that the dominant community, the Mahomedans, are not anxious to raise the status of the depressed classes.

165. *Sardar Shivdev Singh Uberoi*: You have expressed your opinion that communalism should be

entirely abolished. May I know your views as to whether a reservation of seats for the minority communities and joint electorates will suit your purpose. That is one step in advance of the present one?—We are totally opposed to this also. We do not want communalism in any shape or form. I have made it emphatically clear.

166. *Chairman*: If the communal principle was reserved in any shape or form in any part of India you would rather have no constitutional advance; and when you speak of communal principle being reserved in any shape or form you include the provision of reserved seats in any part of India?—Yes.

167. *Sardar Shivdev Singh Uberoi*: You have expressed your opinion that law, justice and order should be made entirely central subjects and transferred to the Government of India?—Yes.

168. The general trend of feeling is that these subjects should be made transferred subjects in the local Government. May I know, for my information and for the information of the Conference, what advantage you or your party think will be effected by having these subjects transferred to the Central Government?—I am very glad you have put this question. The question of justice or the High Court has been constantly coming up before the Legislative Council and attacks have been made on High Court Judges and the constitution of the High Court, and that has led really to lowering of efficiency in the judicial service; and, with regard to the recruitment of the services, all these considerations, communal considerations have been imported into recruitment to the judiciary. If the subject were made a central subject it would be away from local influence and people would not be so ready to level attacks on the judges who have to deal out justice between man and man.

169. Are you sure that the influence of communalism will not prevail in the Assembly or the Central Legislature?—If my scheme is accepted there will be absolutely no communalism.

170. As regards the services, you have expressed your opinion that efficiency has suffered on account of communalism having been given consideration to in appointments. Of course, I am personally of the opinion that efficiency must be kept in the services. But may I know if there is any safeguard for keeping up the efficiency, taking into consideration the fact that every community should be represented in the service of the Province?—I have suggested some safeguards in my speech. Supposing a community feels that it can produce better men physically there might be a physical test. I have no objection to that. Supposing a community feels that they can produce fat men, there may be a test for that. The one thing I wish to rule out absolutely is the consideration of caste and religion in the recruitment to the services. In my speech in the Council, made in July, 1927, I made it clear.

171. *Dr. Narang*: Uniform standard?—Yes, a uniform standard, leaving out caste and religion, because then there would be no favouritism.

172. *Sardar Shivdev Singh Uberoi*: So, your view, or the view of your party, is that if communalism is not to be abolished the present form of government should be maintained and no further reform should be given?—A conference was held some time ago, the Hindu conference which was held at Lahore when this Honourable Commission visited this country previously, and that conference was of opinion that the present reforms should also be withdrawn if this system is kept on. They were so emphatic.

173. *Sir Zulfiqar Ali Khan*: You have stated, Pandit Nanak Chand, that, in your view, if communal representation or communal electorates are maintained, you do not want any constitutional advance. Could you please tell the Conference whether you will guarantee this attitude on the part of the Hindu community all over India?—It is for other people to say what they feel. This is our opinion. I do not hold a brief for the Hindus all over India.

\* \* \* \* \*

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[Continued.]

174. *Sir Zulfiqar Ali Khan:* You have said that communal representation and communal electorates are responsible for hatred and bitterness among the communities. Would you please tell me if the formation of parties in the Legislative Council here has been on communal lines?—Yes, on communal lines. The cleavage of party is communal.

176. *Sir Zulfiqar Ali Khan:* With regard to the services you think that efficiency must be maintained at any cost?—Yes.

177. For that reason you would have any efficient man, irrespective of his being a Hindu, Mahomedan, or Sikh?—Certainly. I made a declaration on behalf of my party in the Punjab Legislative Council that even if cent. per cent. posts go to Mahomedans, we do not mind.

178. Supposing you get for the different services very efficient men belonging to the European community, would you rather not give up the principle of Indianisation of services?—I do not recognise the principle at all. I say all citizens of the State are equal in the eyes of the law. If he is a British citizen who has been naturalised here, he will have equal opportunities along with others. I make no reservation in favour of Europeans.

179. Then you would advocate Indianisation of services on those lines?—No, no. That is not my point. I do not recognise that Europeans are in any way superior to Indians in the matter of administration.

180. If you find more efficient men among Europeans then you would not stick to the principle of Indianisation of services?—If they are Indian citizens, then only they can come in.

181. *Dr. Sukrawardy:* You said you are opposed to Indianisation in any shape or form and the application of that principle to the services. Do you not consider Indianisation of services a form of communalism?—I have given a definite reply to this question. I do not reserve any seat for any community. I do not admit the principle of reserving so many seats for Indians and so many for Europeans.

182. You are opposed to the reservation of seats for Europeans?—For Europeans or for any particular community.

183. You have said that communal electorate is responsible for communal tension. Have you considered that the caste system is also regarded by some prominent Hindu leaders as being responsible for communal tension and an obstacle to political advancement and a great enemy of Hinduism?—No, but so far as caste is concerned I certainly regard it as an impediment in the way of nationality. We are trying our best to remove that.

184. Do you not think that caste system is a greater obstacle to advancement because the system has been going on from the time of Vikramaditya and Asoka?

*Dr. Narang:* There was no caste system in the time of Asoka.

185. *Dr. Sukrawardy:* You said you are opposed to political advance if communal electorate is granted in any shape or form in any province?—Yes.

186. You had the communal electorate introduced for the first time under the Montagu-Chelmsford Reforms; but so far as my Province, Bengal, is concerned, we had the communal electorate introduced since 1903, that is the Minto-Morley Reforms?—Yes.

187. And no objection was ever raised by any Hindu leader. In 1915 Mr. Gokhale, in his political speeches, also spoke in favour of communal representation?—He was wrong.

188. In 1916 the Congress League Scheme recognised communal representation and allocated the number of seats to the Mussalmans, in the Punjab, Bengal, and so on?—That was the greatest blunder ever made.

189. Let me remind you of another greatest blunder that Sir Surendra Nath Banerjee, the great tribune of the people, introduced for the first time, the element of communal representation in the Calcutta Corporation, although I opposed him tooth and nail

in the Bengal Legislative Council?—I am very glad you did it. I have given a reply to your question at page 91.

190. I only want facts to be placed before the Conference. And Mr. C. R. Das, in the Bengal Pact, accepted the principle of communal representation for Bengal?—I want to read my reply to this. In Part II of the Memorandum I have stated at page 91:—"The Indian politician, on the other hand, anxious to break down the existing system of government at all costs, has not unnaturally followed the example set by the Government and has accepted the communal principle in order to win the favour of the Mahomedan community and also conceded to it certain privileges which he refused to other minorities."

191. You say that the Moneylenders Bill, which was vetoed by the Government, is a blow aimed at the Hindus? I repeated it many a time and my opinion was endorsed by many others.

192. You consider it a blow aimed at the Hindus because Hindus are moneylenders, and that Mahomedans are shackled by chance to the Hindus in that way. That is why you say it was a blow? No. It was a communal blow aimed at the non-Muslim by Muslims.

193. But is it not a fact that moneylenders are Hindus? I do not agree with that.

194. Are you in favour of joint responsibility in the Cabinet? Yes.

*Dr. Sukrawardy* having finished his examination, the witness said: "I want to make clear one answer that I gave with regard to the caste system. As regards the abolition of the caste system, I meant it to apply only so far as political and civic privileges are concerned; but, so far as social privileges are concerned between man and man, anybody may retain it or may not retain it."

195. *Chairman:* You do not propose, for example, that a member of the depressed class should have a right to enter the Hindu temple? I do not say that. I exclude that point from consideration at the present time. We are not concerned with this question at present. We are concerned with the question of civil or political rights.

196. *Sir Arthur Froom:* I would just like to invite your attention to the draft in the Memorandum of Raja Narendra Nath in connection with the proposal to protect various communities. The draft is at page 170, with which you have announced your thorough agreement? Yes.

197. Would you tell the Conference whether you see any difference between that draft clause and paragraph VII., sub-clause (3), of the Instrument of Instructions to Governors? My question is this: Is there any material difference between the proposed draft clause which you want embodied in any future Government of India Act and sub-clause (3) of paragraph VII. of the Instrument of Instructions to Governors?—I want it to be statutory.

198. No, no; I am not on that yet. Do you see any material difference?—I see that caste and birth have not been mentioned in that. I am very particular about caste and birth.

199. *Chairman:* I think we had better read it. In the Instrument of Instructions to Governors, sub-clause (3) of paragraph VII., says: "To see that no order of your Government and no Act of your Legislative Council shall be so framed that any of the diverse interests of or arising from race, religion, education, social condition, wealth or any other circumstance, may receive unfair advantage, or may unfairly be deprived of privileges or advantages which they have heretofore enjoyed, or be excluded from the enjoyment of benefits which may hereafter be conferred on the people at large." Probably you regard it as insufficient?—Yes.

200. *Sir Arthur Froom:* It is stated here: "No Act of your Legislative Council shall be so framed that any of the diverse interests of or arising from race, religion, education, social condition, wealth or any other circumstance, may receive unfair advantage?"

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[Continued.]

—That is not sufficient. There must be a clause in the constitution itself.

201. *Chairman*: May I put the question in this way? Do you consider that these instructions to Governors are not sufficiently effective?—They are not.

202. And therefore for that reason you want a somewhat similar clause inserted in the Government of India Act to make it statutory?—Yes.

203. If I may say so, I have a certain amount of familiarity with this question in connection with constitutions of different kinds. I think the Pandit's real point is this. He would like to have the provision of the safeguard of this sort enacted in such a way that it will be open to anybody who felt aggrieved and who thought that what has been done was in conflict with it to challenge in the law courts what is being done as being beyond the powers of the Legislature or the Executive? That is your real point?—Yes.

204. There are instances of that sort—they are not numerous—in some of the constitutions under the British system, but they are by no means always found to work very effectively. If it is desired to limit the power of a legislature it is necessary to use very clear words, and there must be a challenge in the law courts if the limit is exceeded. That is your point?—Yes, quite so.

205. Pandit, let me repeat what I have got down as your view, which you say is the view of your party. Is this right, that if the communal principle is retained in any shape or form in any part of British India, your party wishes for no constitutional advance?—Yes, it is our view.

206. And I understand that, when you speak of objecting to the communal principle in any shape or form, you object to the reservation of seats on the ground of religion or race?—Yes.

207. Have you looked at the very interesting document supplied for the Commission by one of my colleagues, Raja Narendra Nath, who is the president of the party for which you are speaking?—Yes.

*Raja Narendra Nath*: That document must be read with the supplementary note which I issued. It contains answers to my queries.

208. *Chairman*: Subject to anything in the nature of a supplementary note, you are aware that his proposal is that there should be joint electorates in principle, but that separate electorates should be provided wherever the community which is in a minority in the Province desires it. That, of course, is not your present proposal at all?—It is not.

209. Somewhere on page 164 Raja Sahib says that it is unjust to force joint electorate if the minority is unwilling. I understand your view is, whether they are willing or unwilling, you would insist on joint electorate?—Yes.

210. You know that this matter was very carefully considered, to all appearances, in what is called the Nehru Report. You are aware that what you are proposing is quite inconsistent with that?—Yes, they are in error; that is our opinion.

211. Even the most perfect document may have a flaw. On page 54 we read: "The principle we have adopted is that wherever such reservation has to be made for the Muslim minority it must be in strict proportion to its population." You are opposed to that?—Yes. We are opposed to the principle of communal representation.

212. Your party is opposed?—Yes.

213. In the same way this document under the chapter which is called "Recommendations" actually has a heading "Communal Representation." Your view would be that the communal representation should be dealt with by saying there shall not be any?—Yes.

214. But this document provides. "there shall be no reservation of seats for any community in the Punjab and Bengal; in provinces other than the Punjab and Bengal there will be reservation of seats for Muslim minorities on population basis with the right to contest additional seats," a provision that should last for the next ten years?—They want to

please the Muslims and therefore they have arrived at a sort of compromise; otherwise they are opposed to the principle.

215. You think that this document is really drawn up in an effort to please the Muslims?—This particular portion.

216. The provision of communal representation is really drawn up in an effort to please the Muslims?—Yes; they were following the Government in this matter.

217. Are you in favour of appointments to official positions in the Punjab administration being regulated by a Public Services Commission?—Yes, I am.

218. You are opposed to the matter being left in the hands of the Minister?—Yes, I am opposed.

219. With regard to law and order and justice, your view is that they ought not to be transferred to provincial Ministers but they ought to be centralised?—Yes.

220. Of course you realise that it is very easy to say that they ought to be centralised and it is much more difficult to construct a workable scheme. Have you in your document—I do not think you have—given any suggestions?—I have not, but Mr. Gulshan Rai has something to say on it.

(*Mr. Gulshan Rai*): I propose the transfer of police to the Central Government on the ground that we want Indian solidarity, and also in the interests of military strategy and in the interests of public peace and tranquillity being maintained on uniform principles. I have also given a scheme in the memorandum which is in the hands of the Conference to the effect that it can easily be done by taking away the revenue-collecting functions from the deputy commissioner and retaining him as the head of the police, as he is at present, and keeping him also as the district magistrate as at present, and so long as the judicial and executive functions are not separated, he can also be given such All-India subjects as income tax, post office, etc. In that case the deputy commissioner will become practically an officer of the Central Government. He will work under the supervision of the Governor, and he will act as Agent to the Governor-General so far as the police is concerned.

221. I was only asking you whether you had realised the practical difficulties. I do not say it is an impossibility. You realise of course that under the present conditions of this country police assistance is sometimes needed very suddenly, and may also be needed in connection with the administration of some department on the transferred side. A most innocent-looking act may sometimes produce some trouble?—Yes, and sometimes the assistance of military is also necessary.

222. Fortunately I understand that is not very often. But do you think your scheme really provides for the effective business of getting police on the spot for all possible support?—I think so, because the deputy commissioner and the superintendent of police will still remain in the locality concerned.

223. Did I hear you say that Hindus are not enlisted in the Indian Army?—(*Pandit Nanak Chand*): What I meant to say was that there are certain Hindu tribes and castes which by convention are regarded as non-martial classes, for example, the Khattris, who provided men for Ranjit Singh's army.

224. *Sir Hari Singh Gour*: Panditji, you have stated that the state of communalism in this country is intensely bitter. I presume you mean that it could not be more bitter than it is?—It can be made worse.

225. How will the fact that there is no constitutional advance improve the situation?—I have stated that if constitutional advance is to be made with separate electorates the situation will become worse. If constitutional advance is made with the abolition of these communal electorates, things will improve.

226. Even if there is a reservation of seats?—Reservation of seats will always help to embitter the feelings, though they will not be so bitter as they would be if there were separate electorates. That will be a

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better system than the present one, but it is not a democratic or a national system.

227. I am sure you are using the word "democratic" in its widest sense. The Nehru Committee provides for the reservation of seats only for ten years?—Yes.

228. You say that in your Province the difference between the urban and the rural classes and the agricultural and non-agricultural classes has led to bitterness. Now supposing the distinction between the urban and rural classes is removed, then you will get a larger number of urban representatives into the Legislative Council. Would that bring a better class and a mere intellectual class of men into the Legislative Council?—Certainly.

229. And thus improve its efficiency?—Yes.

230. *Chairman:* I do not know whether I may just ask this one question. Of course you know that a main objection which is taken by, I think, a great majority of the Mahomedan community to the idea of abolishing separate electorates, is that if you have a joint electorate there would be a serious risk that the Mahomedan who was returned would not be what they will regard as a good representative of their community. We have heard that argument many times. I am not asking you to say whether it is a good argument or not. But have you yourself, as a practical constitutional student, thought of any method by which that might possibly be got over? I may mention a suggestion which has been made to us at Poona. It involves the reservation of seats which you do not like. But the suggestion is that the Mahomedans should, in the first instance, choose a panel, a list, of candidates, whom they would regard as satisfactory representatives of the Mahomedan view

—what I think the Americans sometimes call "a primary"—and then the general constituency, the joint electorate, should elect its members, and if there was a seat for the Mahomedans the choice would be between the different Mahomedans who have been nominated to stand by the Mahomedan community. I am not saying anything at all of the merits of the scheme, and I have not at present any views and I would like to know if you have any views on it. The argument in its favour is said to be that, while on the one hand you might secure that the Mahomedan member was a man who was satisfactory to the Mahomedan feeling (which is a very natural wish on the part of the Mahomedans) and not a turncoat or a sham Mahomedan and a man who is simply there pretending to represent the Mahomedan view but really in the hands of other interests, at the same time the man who is actually elected would feel that he is responsible to a constituency which is not purely Mahomedan, and therefore would be disposed to take a view when he took his seat that he should give fair consideration to communities other than his own?—I personally have not considered this suggestion and I cannot give any answer off hand.

231. You have exercised a wise discretion, if I may say so, because this is not a matter on which anyone can give an opinion in haste. This is one of the many ways in which it is proposed to solve the question. I am not saying that is a suggestion which will meet the Mahomedan view. It must receive adequate and proper consideration. I have not the slightest glimpse of Mahomedan opinion on this point?—We will give the matter our best consideration.

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## Memorandum submitted by the All-India Muslim League.

1. *Preliminary.*—The number of individuals who actually authorise the representation made herein is an overwhelming majority of the Musalman community of India, numbering over seventy millions, whose political, economic, social, religious and general interests are the care of the All-India Muslim League with its Council and its provincial, district and local organisations.

In this memorandum the All-India Muslim League represents the view and sentiments of the Muslims of India as a whole, touching only such matters as come within the purview of a central body. It reserves to provincial bodies or other Muslim organisations the right to supplement the demands made herein, by means of memoranda which may be submitted separately by them. This is in recognition of the principle of decentralisation, as each province is the best judge of the peculiar conditions prevailing therein. The demands which have been set forth are based on the needs of the next stage of the Reforms in the light of the present situation in the country, and without prejudice to any further constitutional developments at any future time which may be consonant with the pledge of "responsible government within the British Empire," which has been given by the British Parliament in laying down the goal of its policy in India, as well as with the legitimate aim of the people of India to reconcile that pledge ultimately with a constitution framed on democratic lines.

2. *Working of the System of Government.*—At the outset the League desires to stress forcibly the danger of framing any new constitution which, by not paying full regard to the actually existing conditions, tends to create an oligarchy. In a vast continent like India, as large as Europe minus Russia, divided into a large number of provinces, many of which are larger than some of the countries of Europe, inhabited by 318 millions differing in race, creed, language, social customs, traditions and material interests, it is most essential that the constitution should be founded on the needs and rights of all. For this purpose the representation of the principal communities in the legislatures, local bodies, educational institutions and public services should be so regulated that no injustice is done to any, and at the same time as a sure foundation has been laid for a government which will be thoroughly representative of the most important communities and interests the uplift of the backward classes and weaker sections should be provided for by reasonable concessions. The chief defect of the present system of government has been that although safeguards have been embodied in the present constitution, such as special representation in the case of the Muslim community, they have not served to counteract monopolisation by the community which is treated as the largest majority. The League believes that the artificial census division of the population, as a result of which all Indians who are neither Christians nor Muslims are termed Hindus, has resulted in the over-representation of caste-Hindus to the detriment of the interests of the pre-Aryan or depressed classes, as well as of other large or important communities. It is, therefore, necessary that (a) a new classification be made early and authoritatively, (b) a more equitable basis of Muslim representation be fixed by statute and that meanwhile the average increase of population be added to the figures of the 1921 census in order to obtain the basis for the present representation of their communities, and (c) such readjustment be devised with an eye to associating at the earliest possible time both British India and the Indian States as a homogeneous nation in working out the salvation of the country on the lines of a federal government.

3. *Basis of Franchise.*—As the franchise and electorates are the very foundation of a constitutional structure the League proposes a very careful

examination of these two subjects. The existing franchise for our legislative bodies, central as well as provincial, is too high, with the result that these bodies cannot be said to be truly representative of the people. There is more to be gained by a voter being required to be a sufficiently literate person than by his possessing a property qualification. Moreover, it is unfair that all Indians who belong to such minorities as have not been given the right of separate communal representation should be included in one generic term, *e.g.*, "non-Mahomedan," in the Punjab. Indeed, the consequence of the classification has already been to promote an oligarchy in the country. If, therefore, the franchise is lowered and widened and if communities are justly represented, our legislative bodies will be more truly representative of the people and will prove more effective in furthering the common interests. The League in these circumstances suggests:—

- (a) That the franchise for the Council of State (if an upper house of the Central Legislature is to be maintained in the new constitution) should be widened so that all persons who now possess a vote for the Legislative Assembly should in future have a vote for the Council of State.
- (b) All those who have at present the right to vote for the provincial legislative councils should have a vote for the Central Legislature;
- (c) For the elections of the provincial legislatures, there should be universal adult suffrage. This, of course, implies the suffrage for election to the local bodies will also be universal.
- (d) There should be a difference between the qualifications of voters and candidates in all electoral procedure.

4. *Electorates.*—In the matter of the electorates the League holds that a system of separate electorates for the Musalmans is to-day as much a fundamental principle of the constitution as it was when first introduced by the Minto-Morley Reforms and since confirmed by the Montagu-Chelmsford Reforms, when it was stated that "so far as the Musalmans at all events were concerned the present system must be maintained until conditions alter, even at the cost of a lower progress towards the realisation of a common citizenship." It may be pointed out that the results of the introduction of separate communal electorates, which were also extended to the Punjab and Bengal, were from every point of view so beneficial that even a Hindu majority in the U.P. Legislative Council agreed to extend the system to local bodies. In this connection the League would invite the attention of the Commission to the evidence given by Mr. C. Y. Chintamani, late Minister in the United Provinces, before the Muddiman Committee, to the effect that the separate electorates of the Muslims lessened friction between them and the Hindu community—*vide Reforms Enquiry Committee's Report, Appendix 16, Vol. I., pages 316-319.* The League may indeed claim that the separate electorates, by preventing recurring causes of friction, have actually tended to promote mutual co-operation and goodwill between the two communities. The causes of the communal tension which has existed are to be found in other directions; and certainly the cry raised by a certain section of the Hindu politicians and of the Hindu Press that the separate electorates are responsible for riots and bloodshed is entirely artificial and unjustified. An analysis of the real causes of such disorders and tragedies is given in an article appended to this memorandum. The entire Muslim community of India, as represented by the League, is most emphatically opposed to any scheme of a joint electorate with or without reservation of seats; and the separate electorate of the Musalmans may be regarded as the cornerstone of the Reforms.

5. *Size of Legislative Bodies and Constituencies.*—Connected with the two questions of franchise and electorates is that of the size of our legislative bodies. Compared with the legislatures of all democratic Governments in the West, the size of our legislative bodies is extremely inadequate to secure effective representation of the Indian population. With the lowering and widening of the franchise, the existing disproportion between the communities will be further accentuated. The League, therefore, suggests that in future the number of the members of the Upper House of the Central Legislature (if maintained) should be raised to 150 and that of the Lower House to 400. The League further desires to state that, in the matter of Muslim representation on the Central Legislature, the Mussalmans feel, in view of the vital issues involved, that in no case should they be given less than 33 per cent. of the seats filled by election in each of these two houses. In the case of the various Provincial Legislative bodies, the seats should be increased so as to provide one representative for each unit of 100,000 of the population.

The League is further of the opinion that most of the existing constituencies, both rural and urban, are too large and should be reduced in size to manageable proportions.

6. *Muslim Representation in the Provinces.*—There is an important grievance of the Muslim communities of the Punjab and Bengal in connection with the existing scheme of representation for the Provincial Legislative bodies to which the League desires to draw attention in this place. Among the nine provinces in which the Montagu-Chelmsford Reforms have been introduced, the Punjab and Bengal are the only two Provinces in which the Mussalmans are in a majority of the population. Nevertheless they have, in the existing circumstances, been deprived of their majority position, since against the nominal award of 50 per cent. representation in the Punjab, there are, as a matter of fact, in the Provincial Legislature, only 31 Muslims out of 71 elected members. In Bengal, in spite of the fact that 50 per cent. representation was recommended for the Muslim community (*vide* the Fifth Reforms Despatch of the Government of India dated April 23, 1919), the Joint Parliamentary Committee awarded the Mussalmans of that province only 40 per cent. representation in the Provincial Council. The League submits that this state of things is entirely opposed to all democratic principles, and it urges the Commission to take this opportunity of redressing the grievous wrongs of the Muslims in these two provinces in these respects. The demand of the Muslim community which the League desires to submit with particular emphasis is for the full Muslim representation in these two provinces according to the population of the Mussalmans and the practical enforcement of the principle that a majority community shall in no case be reduced to a minority or even to an equality.

In the provinces where the Muslims are in a minority their representation should, in future, bear the same proportion to the elected members of the Legislature as that of the Muslims to the number of elected members in the Montagu-Chelmsford scheme and be also fixed by statute at a figure in each province which is adequate to meet the considerations of their political and historical importance, their inferiority in numbers and their backwardness both economically and educationally, owing to the handicaps of the past. The League has no objection to the non-Muslims being given the same concession in Provinces when they are in a small minority, subject, of course, to the principle enunciated above.

7. *North-West Frontier Province.*—For years past an overwhelming majority of the population in the settled districts of the North-West Frontier Province have been demanding the introduction of constitutional and administrative reforms calculated to bring their Province in line with the rest of India. This demand has been supported unanimously by the whole of Muslim India. It has also the support of the

Indian National Congress as well as of a majority of what is known as the Brey Committee appointed by the Government of India some six years ago, who have virtually admitted that the peace of India depends on the tranquility of the border, which can only be assured by the contentment of the people of the North-West Frontier Province and Baluchistan. Had the North-West Frontier Province not been separated from the Punjab, the settled districts would have enjoyed the benefits of both the Minto-Morley and the Montagu-Chelmsford Reforms. Education has, in fact, made even greater strides in these districts than in many parts of India. The only ground which, according to what was said in the debate in the Legislative Assembly during the session which has just concluded, stands in the way of Government is the alleged opposition of the Hindu minority in that Province. Recent events connected with the visit of a delegation of the Central Legislature to the North-West Frontier Province have made it clear that the alleged opposition is artificial and confined to a comparatively small section. Moreover, it only shows that this particular school of Hindu politicians does not want reforms in any Province where its co-religionists are in a minority, and advocates their introduction only in the Provinces where the Hindu community constitutes a majority of the population. Were the Muslim community in the various provinces in India also to adopt such an unreasonable attitude all constitutional advance in this country would become absolutely impossible. The delay which has taken place in this connection is already a source of serious discontent among the Muslim community, and the League is very much afraid that, unless the present investigation by the Royal Commission results in satisfying this legitimate aspiration of the people of the North-West Frontier Province, there will not only be widespread resentment throughout Muslim India, but also material change in the viewpoint from which the Indian Mussalmans have hitherto regarded the Indian political problem. The League, therefore, earnestly hopes that the Royal Commission will recommend this much-needed reform to the British Parliament.

The need for introducing reforms in British Baluchistan is equally imperative.

8. *Separation of Sindh.* The League is unable to see any reason why the Province of Sindh should continue to be tied to the apron-strings of the Bombay Presidency. Neither on an ethnological, geographical and linguistic basis, nor on any other ground whatever, is the present arrangement justifiable. The mere accident that it was the Bombay Army which conquered Sindh has led to the incorporation into that Presidency of a Province which has no consanguinity whatever with it. Indeed, its absorption into that Presidency has resulted in its educational, material and civil progress being greatly retarded. This unnatural state of things has hitherto deprived Sindh of its own university as well as of a high court. Owing to the jealousy of Bombay hardly anything has been done towards further developing the Port of Karachi, one of the biggest grain export centres in India. While Bombay proper thrives mainly on its commerce and trade, Sindh is mainly agricultural, and, in the past, agricultural development in the Province has been utterly neglected. The League, therefore, strongly urges that the Province of Sindh should be separated from the Bombay Presidency and should have its own separate executive and legislative machinery.

9. *Muslim Minority Provinces.*—With the redistribution of legislative and administrative areas above outlined, there will be in future five Provinces with a Muslim majority of the population out of a total of eleven. But just as the minority position of the Muslims in the whole of India is one of the greatest concern for the community, which is historically, politically and numerically no less important than any other and more important than most, their position in six other Provinces is one of so considerable a minority that, unless proper, adequate and effective safeguards are provided in the constitution, by a clear statute fixing their representation definitely and only leaving

it to the Central or Provincial Legislature or local bodies and educational institutions or departments to carry out the details of such provision, the main problem of the constitution will continue to remain unsettled. The League, therefore, submits such a preliminary statute should guarantee such safeguards as will give Muslim interests in India as a whole—that is, both in the Provinces in which they are in a majority and in those in which they are in a minority of the population—sure or special protection, especially in the following domains:—

- (a) In the exercise of their religious rights, particularly by legislation for allowing cow-slaughter and preventing music before mosques;
- (b) In all elected bodies, including municipal and district boards, universities, intermediate education boards, etc., by adequate and effective representation by means of separate electorates;
- (c) In the Central and Provincial Cabinets;
- (d) In the public services, that is, the services maintained by the Government or local bodies or educational and other civic institutions;
- (e) In admission of students to all educational institutions maintained or aided by the State and in the provision of Muslim teachers;
- (f) In the use of the Urdu language in all institutions maintained or aided by the Government; and
- (g) By a fair and reasonable distribution of grants-in-aid for education and other public objects.

10. *Residuary Powers*.—Before dealing with the questions connected with the Executive and Legislative machinery, the League considers it necessary to invite attention to a question of vital importance in relation to the constitution as a whole. India, as has already been pointed out, being in reality a vast sub-continent divided into presidencies and provinces inhabited by peoples speaking different languages, possessing diverse characteristics of their own, influenced in their activities and aspirations by territorial patriotism and for at least three-quarters of a century, and in some cases even for over a century, living under their own respective provincial governments, it seems to the League to be inevitable that the constitution of the country must develop on the lines of a Federal government, each territorial unit forming a state in itself and all being governed, in matters of common concern, by a central federal authority. In other words, the constitutional reforms in this country should at this stage aim at the ultimate creation of a United States of India within the British Commonwealth. For such a constitutional goal, the first important question for consideration naturally is in whom should what are called "Residuary Powers" be vested. This, in the opinion of the League, is a constitutional problem of the first magnitude, upon the right solution of which depends the future stability and welfare of the State itself. In view of the varying conditions obtaining in the different provinces of India, it seems to the League to be essential that the future Federal constitution of India should, among other things, provide the Central Government with only such powers as may be expressly vested in it by the constitution and all "Residuary Powers" be left to the individual states. A Federal government, constituted on this basis, would not only give provincial autonomy to the various states constituting the federation, but would also prevent the coming into existence in India of an oligarchy which would be disastrous to the vital interests of the minority communities in this country and would be entirely inconsistent with true democratic principles.

11. *Secretary of State for India and India Council*.—Even a casual glance at the various sub-sections of

Section 2 of the Government of India Act (1919) will serve to show that the constitutional position of the Secretary of State, with his extraordinary powers of superintendence and control, is of an all-embracing character. Apart from the fact that this sweeping provision is inconsistent with the grant even of partial self-government to India and with the spirit of the declaration of 20th August, 1917, it is, the League submits, obvious that exercise of the vast control thus vested in the Secretary of State over the Government of India, even in affairs relating to the internal administration of the country, is opposed to the principles of sound administration. A British politician sitting in his office 6,000 miles away, with little or no experience of the complicated Indian position and affairs, exercising unlimited control over the internal administration of the country, is a constitutional conundrum somewhat difficult to solve. Moderate opinion in India is agreed that the time has not yet arrived when the administration of Foreign Affairs, the Army, the Navy, and the Air Force can be safely transferred to popular control. The ultimate control in the case of these Departments of State may, therefore, be still left in the hands of the Secretary of State as representing the British Parliament. But the League finds it difficult to conceive any sound reason for subjecting the Government of India to the control of the Secretary of State in so far as purely internal administration is concerned. Such state of things is, the League is sincerely convinced, not conducive to the best interests of the administration. The time has now arrived when the Government of India should be relieved of the irksome chains with which it is at present bound in this respect.

With the introduction of this reform the costly machinery of the India Council would become unnecessary. Should the Secretary of State be in need of any advice with regard to vital questions concerning the administration of Foreign Political Affairs, the Army, the Navy and the Air Force, he would have at his disposal the advice of experts who deal with these very subjects in the various Departments of State in England. It is an open secret that he enjoys these facilities even at the present moment. In any case, in view of the curtailment in the extent of his own responsibilities, as advocated above, the existing personnel and staff of India Council can be largely reduced.

12. *Central Government and Legislature*.—On a careful consideration of the past constitutional changes, of the existing conditions and of the necessity of further constitutional advance towards responsible government within the Empire the League would suggest the following changes in the existing machinery of the Central Executive Government:—

- (a) As in all civilised Governments, the Commander-in-Chief should be the head of the Army, performing the duties and exercising the powers which are legitimately connected with that responsible position. He should not be a member of the Executive Council or of the Central Legislature, whose meetings tend to increase in number with the expansion of our constitutional and administrative machinery and, in consequence, necessitate his constant presence at the headquarters of the Government of India. A civilian member for the army should take his place within the Indian Cabinet and in the Central Legislature, as is the case in England.
- (b) The number of members in the Viceroy's Cabinet should be increased to not less than eight, at least four of whom should be Indians, with the Governor-General at the head of them all, adequate representation being given to the Muslims.

The Viceroy's Executive Council should not exercise any control over the administration of subjects which are transferred in the Provinces.

- (c) In addition to the reforms already suggested in connection with the Central Legislature, this League urges the widening of the control of the Central Legislature over the country's budget by increasing the number of votable items, particularly in regard to the All-India Services other than those dealing with the Army, the Navy, the Air Force and Foreign Affairs. The decisions of the Legislative Assembly should be final. Only if all subjects are transferred should the Viceroy have the veto.

13. *Provincial Governments and Legislatures.*—In regard to the provincial governments and legislatures the League would advocate the following reforms:—

- (a) However excellent the conception which resulted in the introduction of dyarchy in the provinces, in actual working it has revealed difficulties and complications, which have led to its condemnation by important sections of the politically-minded Indians as well as able and experienced administrators, European and Indian. The League is, on the whole, of opinion that this experiment should now be scrapped and a unitary form of government should be inaugurated in the provinces.
- (b) The provinces having gained sufficient experience of the administration of provincial subjects, the time has arrived when provincial autonomy should be introduced as the next step in constitutional advance. In other words, responsible government should be conceded to the provinces by placing all provincial subjects in charge of Ministers fully responsible for their administration to the Provincial Legislature, the Governor being the constitutional head of the Provincial Government. It is further essential that the principle of joint responsibility of Ministers should be introduced and the Cabinet system should thus be adopted in the provinces.
- (c) Income tax should be a provincial subject and the Government of India may fix contributions from the provinces.
- (d) In addition to the reforms already proposed in connection with the provincial legislature regarding the franchise, electorates, constituencies, etc., here also the line of advance with regard to increased control of the legislature over the provincial budget will necessarily be the same as that which has already been suggested in regard to the Central Legislature.
- (e) The League considers the following provision essential:—

"No Bill or resolution or any part thereof affecting any community (which question is to be determined by the community in the elected body concerned) shall be passed in any legislature or any other elected body if three-fourths of the members of that community in that particular body oppose such Bill or resolution or part thereof."

14. *Public Services.*—The unanimous demand of the Muslim community in India for their proportionate share in the administrative machinery extends, with perfect justice and equity, to the public services. The very grounds hitherto urged by the Indian politicians for the Indianisation of the services apply equally to an equitable adjustment of the claims of the various communities to a proper share in the administration of the various departments which manage the affairs of the country for the welfare and happiness of the people. Because these departments come into more direct contact with the masses than even the legislative or local bodies, the contentment and progress of a large portion of the country depend on their just and proper working. It must, therefore, constitute both an anomaly and a grave political danger if the services which administer the various departments become the monopoly of a class. There is no possible justification for the fact that, with the exception of our fighting forces and the police, all other branches of our public services are staffed by an overwhelming majority of caste-Hindus. That the Muslim community, in spite of its having produced as qualified persons as any other community for suitable and even efficient service in any capacity, from the top to the bottom, in any service, should have been so glaringly and so long neglected and suppressed in almost every department of the administrative machinery, is a ground for the hope that means will now be devised to give Muslims their due share in the services of which they have been deprived by the over-representation of the caste-Hindus on the false plea of their greater numbers and higher efficiency. In this matter also the League submits that a general statutory provision requires to be made and its principles applied in each province with legislative sanction for its particular requirements. It may be suggested in this connection that the Muslim share in the provincial services should be at least the same as its representation in the legislative bodies and in the All-India services not less than one-third. In view of the serious economic disabilities of the Muslims their adequate representation in the services is a very vital matter to their general progress, more especially as their unemployment in such large numbers not only makes it more difficult and often impossible for them to educate their children even for a trade or profession, but also creates unrest. It is a sad record for a century and a half that there should be less than three per cent. Muslim officers in the All-India services to-day, while in the subordinate services the position is so deplorable that the Railway Board, the largest employer of subordinates, has barely three per cent. Muslim employees drawing Rs. 250 and over.

#### 15. *Separation of Judicial and Executive Functions.*

—The confidence of the people in the administration of justice being the corner stone of all constitutional progress, it is essential that a system by which judicial and executive functions are combined in certain authorities, and thereby tend to impair that confidence, ought to be done away with. The promises which the Government of India and the Provincial Governments have made in the past in the matter of this reform have remained unfulfilled till now; and the League earnestly hopes that much harm will be prevented by a change being made in this important matter at this stage.



## Memorandum on Behalf of the Ahmadiyya Community.

We, the representatives of the Ahmadiyya Community, which has its headquarters at Qadian, in the district of Gurdaspur, Punjab, India, beg leave to submit the following Memorandum for the further development and extension of the system of self-government in India.

The representative system as applied to British India:

(a) *The Basis of Franchise.* We believe that the broadening of the present system of franchise is in the interests of the Government as well as the governed. We are, however, of the opinion that this extension should for the present be restricted to those who are in one way or other a support to the Government. In view of the above we would suggest that the franchise be extended to (a) everyone who pays to the Government land revenue or income tax or any other tax, however small the sum may be. (b) Everyone who pays a rental of Rs. 100 or more a year on agricultural land held as tenant, other than occupancy tenant, who has already been enfranchised or pays five rupees per month as house rent or owns immovable property other than agricultural land of the value of Rs. 1,000 or more.

(b) *Methods of Election.* This needs to be considered in two ways: First, whether it is advisable to retain the present voting system or it is desirable to devise a new one. As regards this we would suggest that, in consideration of the simplicity of the system in vogue, the present system may be retained. Secondly, whether to retain the system of separate electorates or to discard it in favour of that of joint electorates. We strongly hold the view that the system of joint electorates, whatever its advantages, is at present very much against the interests of the country. We do concede that if India is to advance politically it shall ultimately have to adopt this system, for there can hardly be any cultivation of political or civic sense nor any political education without it, but as things stand at present we could not commit a greater mistake than if we discarded the system of *separate* in favour of that of *joint* electorates. India is at present in the grip of communal and sectarian bias. No community reposes faith in the other. The majority is not prepared to concede even its bare rights to the minority. Government offices, universities, commercial and industrial markets, chambers of commerce, and even judicial awards afford instances of the communal bias that reigns rampant throughout the length and breadth of India. If under these circumstances the system of joint electorates were thrust on the people, there would be no room for the uplift and advancement of the Moslems, the depressed classes and other minority communities in India, with the exception, perhaps, of one or two favoured ones. Rather than bring on the desired evolution such a step would be a prelude to a deplorable revolution. Hence we believe that, until that happy era when the minorities can safely trust and confide in the majorities is ushered in, the system of separate electorates should continue, the number of seats for each community being fixed in accordance with its numerical proportion to the whole population. Provision may, however, be made to safeguard the particular interests of a special community by giving it a higher representation than its numbers warrant, provided always that the majority of any other community is not reduced to a minority in any case.

(c) *Methods Whereby Particular Interests, Communal, Local, Social and Economical may Obtain Adequate Representation on Local Self-Governing, Provincial and Central Representative Bodies.*—We hold fast to the view that, with the exception of Government interests, no other interests should be represented by nomination. It is not only wrong in principle, but is a fruitful source of misunderstandings and other evils. It is commonly held that nomination is but a cloak to strengthen the hands of the Government, and, curiously enough, this view is shared, along with the Government critics, by those in whose favour

the nomination is made. The best means of giving representation to an interest is to give it a direct voting power. It may entail some difficulty in certain cases, but it is certainly not impossible of achievement. University and industrial seats are already open to election, which entails no great difficulty. Similarly, the seats reserved for the minorities or the depressed classes may be made open to election.

In this connection we beg leave to further suggest that, in view of the importance of the question, it must be definitely laid down as part of the constitution that the system of separate electorates shall not be abolished until the mutual confidence of the different communities is fully restored and until at least 75 per cent. of the elected members of a minority in the Central Legislature vote in favour of its abolition in three successive assemblies, and also that this system shall not be replaced by that of joint electorates in any Province until three-fourths of the elected members of the Provincial Council vote in favour of the change.

If the system of election is not introduced among the backward communities, they shall never be able to develop a sense of self-respect nor shall they receive political education. Nomination can never create a sense of political responsibility or even a due appreciation of one's own rights, nor can a people who are given a nominated seat feel satisfied that their rights have in this way been properly safeguarded. If the elective system be introduced among the backward communities and the depressed classes the various candidates will have to approach the voters of such communities and classes in their own interests, and this cannot fail to gradually awaken in such communities a sense of their rights and responsibilities.

Another advantage of the introduction of the elective system among the backward communities will be that other communities will feel the necessity of coming to an understanding with them and seeking their co-operation. A nominated member is not in a position to be much sought after for he does not really represent his community owing to his not having been returned by them by election. Another beneficial result of this policy will be that when the other communities will stand in need of co-operation with the backward classes, they will also seek to ameliorate their condition. Moreover it is an admitted fact that the Government, despite their desire to promote the happiness of the backward communities, cannot fully understand their requirements which in the case of nomination generally go uncared for.

We advocate the system of election as opposed to that of nomination not only in the case of communal interests but in other interests as well, and we suggest that this system should be accepted as a matter of principle.

In addition to the agricultural, industrial, commercial and educational interests, we think there is need for elective representation in the matter of self-governing institutions as well, which are as yet in a stage of evolutionary infancy with much scope for improvement as is evidenced by various rules and regulations which the Government have to issue from time to time. We think then that municipal committees should have the right to send their representatives to the Legislature so that the municipalities may be in a position to criticise Government policy and to watch and safeguard their interests in the councils of the country. Municipal committees in every province should elect one or more representative to the Legislative Council of the province to safeguard and advance their interests. But even here we would advise the same caution, that in no case should a majority be turned into a minority by the representation of special interests. Majority rights must be protected with the due safeguards for the minority rights. For instance, in the Punjab the margin between majority and minority is so small that a little change upsets the balance of power and a majority is turned into a minority. University, industry and commerce seats are already held by the Hindus.



## MEMORANDUM ON BEHALF OF AHMADIYYA COMMUNITY.

[Continued.]

that in view of the reserved subjects, the presence of Government officials in the Legislative Councils is highly essential, but in view of the transferred subjects their presence is injurious. Hence the proper course will be that Government officials should be nominated members, but (1) their number should in no case exceed 10 per cent. of the whole strength, and (2) they should have nothing to do with the transferred subjects, all decisions concerning them being left to the elected members.

The nomination of non-official members is, in our opinion, highly injurious. If such members are meant to safeguard the interests of any minority, that minority should be allowed the right to elect its own representatives. But if they are included for their personal qualification, we deem their admission into the Councils inconsistent with the real spirit of the Reforms. We cannot think of a man whose presence in the Councils is essential to voice true public opinion but who cannot be returned to the Council through election. Such a man will really represent the Government point of view, and we think the Government officials are enough for this purpose.

With regard to such Indian gentlemen whose opinion the Government thinks it essential to consult, but who will not or cannot be elected to the Councils, the best course, we think, will be that every Governor should have with him an advisory committee, like the Privy Council, and such men whose counsel the Government thinks it advisable to seek in matters of moment should be members of that committee. When the Governor has to make some important decision, for instance, when he thinks it desirable to veto a decision of the council, he may summon such persons and take their advice. In this way, the Government shall be able to avail itself of the advice of such gentlemen without sending them to the Councils, where their presence serves only as a clog to the working of those bodies.

2. The suitability of existing areas for legislative and administrative purposes and for the growth of representative institutions.

(a) *Local Self-Government.*—So long as the posts of Collectors or Deputy Commissioners exist in India, it is necessary that the District Boards should also exist, in addition to the Provincial Councils. The posts of collectors and Deputy-Commissioners were created in view of the fact that the Government in India was not representative but bureaucratic. But now when the form of Government is being changed into a representative one, these posts appear to be incongruous. The Governor is not free to administer his province, but has with him a body of men to advise him; while the Deputy-Commissioner who rules his district has been left quite free and that notwithstanding the fact that within the limits of his district all the Government departments are under him and are subject to his authority. Hence if the post of the Deputy-Commissioner is indispensable, and to our mind it is so under the present circumstances, he must have with him an advisory committee, so that he too may be impressed by public opinion and may be compelled to remain in touch with it. In our opinion it will be best to reform the district boards and invest them with greater powers so that the district administration may in this way be reformed; otherwise, the post of the Deputy-Commissioner will look more and more incongruous side by side with the growing development of representative local institutions in the country.

It will also be proper to start sub-district or local boards, along with the district boards, as is the practice in certain provinces, so that by dividing the districts into sub-divisions, the work should become more effective and progressive.

(b) *Provincial,* including the discussion of proposals for extension of self-governing institutions to other areas than the nine provinces and of proposals for division of existing provinces.

We think this to be a most important question on which hinges, to a large extent, the question of the future progress or decline of India, and the sooner this question is solved, the better will it be for the advancement of the country and for the growth of self-governing institutions.

The existence in India of a number of small territories where representative government has not been introduced is, in our opinion, highly prejudicial to the future progress of the country. No sensible man will endorse the idea that although the whole of India is advancing politically, yet of all its territories, Ajmere and Marwara, for instance, is such that the people thereof are not qualified for representative government. Similarly, to suppose that Delhi, which has the distinction of being the capital of India, is not fit for representative government, or that Coorg, in spite of its being situated in the centre of an advanced territory, is not fit for it, or that the North-Western Frontier Province is not qualified to participate in representative government, or that Baluchistan is not deserving of it, is an insult to human intellect. This sort of discrimination is sure to lead to discontent, and even tends to create a spirit of rebellion, and should therefore be removed as soon as possible.

Again, this kind of discrimination is not only calculated to create discontent but is also unjust. If Delhi happens to be the metropolis of India, it is no reason why the people of Delhi should be deprived of the privileges which are enjoyed by their fellow subjects of adjoining territories. Similarly, if at one time and owing to some temporary considerations, Ajmere was made a political agency, the inhabitants thereof who had no hand in the matter should not suffer on that account.

Another injurious effect of this discrimination will be that in this way India will never become one country. To maintain two sorts of territories under the same government will mean the perpetuation of a false comparison and the creation of a false impression in the country by a comparison of the administrations of the two sets of territories, whereas it is an admitted fact that representative Government is better than even a good bureaucratic government, for the former is a step to the establishment of an excellent government. (We do not mean that a tyrannical representative government is better than a good government, for a good government, though bureaucratic, is decidedly better than a tyrannical government, though it may be representative.) Hence, in order that true political sense may grow in India, it is necessary that such territories should be abolished as soon as possible.

Another harm which is sure to ensue from the maintenance of such territories is that while with the political advancement of India, the elected councils will be vested with greater and greater powers of government, the administration of these semi-representative provinces must continue in the hands of the Governor-General, which means that a ponderous machinery will have to be retained merely to supervise the administration of a few petty provinces, and the many departments which are now established for the government of the whole of India will have to be kept open merely for the sake of these small territories. And if, as an alternative, these territories are placed under the supervision of the Central Legislature, that will be an unwarrantable act, for in this case the representatives of a few provinces will unduly be put in authority over other provinces as well qualified as themselves. For these and similar other reasons, it is utterly inconsistent with the growth of representative government in India to deny to some of its provinces the right to self-government.

Hence, we propose that in the absence of a better arrangement the Andamans be annexed to the Madras province. In the first place, the use which is now made of these islands is strongly disapproved

## MEMORANDUM ON BEHALF OF AHMADIYYA COMMUNITY.

[Continued.]

of, not only by the Indians, but also by many right-minded Europeans and therefore it should be put an end to. But if the Andamans are still to be used for this purpose, that may be done under the supervision of the Madras Government. Similarly, Coorg may also be annexed to the Madras province and Ajmere and Marwara may be included in the United Provinces. Again one district of the United Provinces and a portion of the Punjab territory may be detached to extend the boundaries of the Delhi province, the Chief Commissioner of which may be given an elected council for the administration of his province. Similarly, Baluchistan may be conceded the right of representative Government, but of this we will speak later on.

We, however, lay the greatest emphasis on the North-West Frontier Province being given the right of self-government. The argument that the North-West Frontier Province, being a frontier Province, should not be given a representative government for the benefit of the rest of India is a stale argument which cannot stand the test of criticism. No Province can be deprived of its due rights for the imaginary benefit of other people. Nor is it right to think that the Afghan, who being nearer independent countries, is better able to understand some of the political problems than the inhabitants of the other Indian provinces, is not fit for representative government. Such an idea is not only opposed to reason, but is calculated to stir up the blood of independence. For when

travesty of it, which can never place a country on the road to progress. If the Moslem majorities, with similar motives, began to impose restrictions on pulses or greens, and forced their vendors to keep them out of towns or prohibited the entry of cattle and bulls into the town areas under the plea of sanitation or general nuisance would they not arouse a hornets' nest about their ears. But the fact is that the Hindu majorities are doing all these things without let or hindrance. Hence in such affairs, where certain particular communities are affected, it should be laid down as a matter of principle that no such law or regulation will be valid unless three-quarters of the members of the community affected vote in favour of it, with the further proviso that the general order so passed shall be null and void if on some future occasion three-quarters of the members of the same community vote against it. This sort of elasticity is very necessary in the present state of things.

(b) We do not like to say anything about the municipal committees, but we must affirm very strongly in favour of the extension of district boards' jurisdiction. For example, sanitation, education, the provision of grazing grounds and their maintenance, control over the construction of buildings in rural areas, road construction, and traffic control, co-operative societies, drainage, cattle breeding, agricultural fairs, adult education, rural recreation, and all other things pertaining to local development, should be entrusted to district boards, who should be empowered to fix rates



only in those matters which the provinces cannot control or where combined administration is necessary. Provincial autonomy will also solve the communal problem of India.

(k) *Finances of Provincial Governments and Financial Control.*—We are in complete accord with the Montford Scheme on this point, and a further discussion of it we leave over till we take up the question of Central Government. But we must mention here that in our opinion the legislatures should have a greater control over the finances than they enjoy at present, for the chief object of the representative government is the control of the revenue and the taxes and to see that no undue financial burden is imposed on the country.

(l) Financial relations between reserved and transferred sides of the Government, including the question of the joint or separate purse.

It is a very complicated question which has practically defied all solutions so far. The Montford scheme proposes that the Governor may apportion the revenues to the reserved and transferred subjects. It seems it was supposed at the time that the provincial governors would be like the governors of the colonies, and that the Government and the elected representatives of the people will look upon them as quite disinterested. But the facts have belied all this. The people's representatives regard the Governors as not only a part of the Government, but the most important part thereof. The Governor is fully responsible for the reserved side of his Government, and as regards the transferred departments he has only supervisory authority over it. Hence his

(2) We do not think it is desirable for the Commander-in-Chief to sit in the legislature as a member. His presence there is not only subversive of discipline in his own department, but is also hindrance in the full and frank expression of views. We therefore suggest that in place of the Commander-in-Chief, there should be nominated to the Assembly a "Member for the Defence," who should represent the Army, Navy and Air Departments. In England, no doubt, these three departments are represented in Parliament by three different Ministers, but it is not necessary for India to follow England in every detail. In some of the advanced Western countries this English system is not followed. Moreover, Indian Departments of Navy and Air are both in a state of infancy. Hence, there is no need at present for three full-fledged departments, and for the present one would suffice.

There are some who hold that the political department should be in charge of a member of the Executive Council. We think such a course is needless, and will create complications, and so it should be postponed till the question of the future relations of the Indian States with the Government of India has been fully thrashed out.

(3) The present constitution needs another amendment, viz., that the Secretary of State for India should not at all interfere in a matter wherein the Governor-General in Council and the Legislative Assembly are in complete accord. Foreign and military matters should, however, be regarded as exceptions, for they deeply affect Imperial interests.

(b) *Position and Powers of Governor-General.*  
Until the federal system is fully established

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[Continued.]

subjects which have been wholly placed in the control of the Ministers in the Provinces, and such departments of the Central Government should be given in charge of one or more ministers. These transferred subjects might, as delegated powers, be placed under the full control of the Central Legislature.

(g) *Relationship between the Two Houses.*—We have never agreed in principle to the establishment of the Council of State. We believe it is one of the glaring mistakes of the Montford Scheme. Whatever rights and powers have been bestowed upon the Assembly they have been taken away by the establishment of the Council of State. We would, therefore, recommend its total abrogation from the constitution. But if it be proposed to retain it, we would advise that at least 70 per cent. of its members should be elected and the Government majority should be abolished. No question of relationship arises if the first part of our suggestion in this behalf is agreed to. In the latter case there is no need for change in the existing relationship, but if the existing majority be retained or if official-cum-nominated majority be adhered to then, of course, we would propose that the Council of State should function merely as a consultative body without any powers to revise or reject the Assembly's decisions.

6. Relationship between the Central Government and the Provincial Governments.

(a) The extent of the power of superintendence, direction and control to be exercised by the Central Government:—There is a fundamental principle concerning this question which should never be overlooked. It is that there can be only two forms of Government. First, those that owe their powers to ownership, such as the representative form of government; and, secondly, those that owe their authority to possession, such as the autocratic or bureaucratic forms of government. Any other form of government is not a responsible government, and, therefore, it needs supervision at the hands of the people or the Central Government, or else the administration is sure to suffer. Now, it is an admitted fact that the Provincial Governments neither belong to the one category nor to the other. In one part they represent the people and in the other they owe their authority to the Central Government, so in both respects they are in need of supervision. Now the department wherein the provincial governments are given autonomous powers should be put under the direct supervision and direction of the legislative councils, while in those departments which are outside the control of the legislative councils or where the officials are not under the supervision of the provincial councils such departments or officers must remain under the direct superintendence, direction and control of the Central Government.

Secondly, as the various communities inhabiting India have not had friendly relations among themselves for the time past, and as each one of them is afraid of the other, therefore, in the absence of a Supreme Court that should settle these communal differences and questions, these various communities should be entitled to appeal to Central Government through their elected representatives, especially in those matters where some other community or communities under the cloak of political or economic necessity have unduly infringed their special communal or religious rights.

(b) The classification of subjects as central and provincial.

Central subjects, we think, should include foreign, defence, railways, posts, and all-India legislation. To these may be added those of the provincial subjects which need a unifying control throughout the country, but this should, of course, depend upon the willing delegation of powers on the part of the provinces. We think, however, that a part of the Department of Defence, Army and Air Force, can also be provincialised side by side with its federation,

as is the case in the U.S.A. It is very necessary, too, owing to the peculiar conditions obtaining in India, where owing to the numerical preponderance of one community there is danger in the exclusive centralisation of defence, inasmuch as the majority depending upon its voting strength may out of ill-will or other causes legislate in a discriminative way so as to stamp martial spirit out of a special class of people who are in minority. So partial provincialising of defence is necessary even in the interests of free and unhindered development of minorities. The parallel is not only confined to U.S.A. as we have mentioned above, but extends also to Germany, where there exist in addition to the Federal Army what are called the State Armies.

(c) The financial relationship between the Central and provincial governments, including the Meston Settlement:—There is much room for improvement in the relations between the provincial and Central governments in the matter of finance, but as the basis for the above cannot be stated definitely, therefore it cannot be discussed here in detail. This much can be advanced as a matter of principle that as all revenue-producing subjects would be under the provincial government therefore it is our duty to see that the provinces do not suffer in any way. We regret to notice that in the Meston Award the financial condition of the provinces was unduly weakened. The difficulties at the time were of a temporary nature, but the award crippled the provinces for a long time to come with the undue emphasising of the central needs. Although the Central Government has taken certain steps to undo the wrong by totally remitting or postponing the contributions to the Central Government, we are of the opinion that it should be laid down that in future not a single pie should be levied from the provinces in the form of a fixed contribution. As to the other revenue-producing departments, such as customs, mints, posts and telegraphs, railways, ruling states' contributions, salt (provided the Salt Department is to be retained), all these should be retained as Imperial. To treat income tax as a purely Imperial subject we regard as a great mistake, for the development of this source of income depends upon the efforts put forth by the provincial governments on this behalf. If there is no incentive or interest in the form of a suitable share in the income the provincial government cannot be supposed to work enthusiastically, and in the absence of income which could be fruitfully employed in the development of industry or commerce, the provincial governments are sure to show indifference or slackness in voting demands for these departments. Or if they did materially help commerce or industry the agricultural classes would be justified in saying that certain other departments are developing at the expense of theirs, without contributing anything to the provincial purse. Such a policy is untenable on principle, too, for that would mean that a certain portion of the provinces under the federated states system would still be beyond the control of provinces. To remove this defect two suggestions may be put forward; first, that income tax should be provincialised, and, in lieu of this change, certain other sources of revenue be centralised, though this, too, is not without glaring defects. For instance, stamps, land revenue, and excise are the only other departments which may be handed over to the Central Government. Now the handing over of the land revenue will be open to the same objection as the income tax. As regards stamps, it is a source of income from a particular department, and this income is at present spent on judicial employees, and it would sound ridiculous to hand over the income to the Central Government and to make payments out of the provincial sources. Excise, too, cannot be handed over, as the Indian voice is in favour of prohibition, while legislation in this behalf is purely a provincial matter. Now as the general trend is

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[Continued.]

towards prohibition, and in view of the fact that the provincial governments will have left no incentive to retain it, they would be sure to legislate in this respect at the expense of Imperial interests. The result would be that in a few years the Central Treasury will run short and their budgets will begin to show a deficit. If, on the other hand, all legislation regarding excise and its control be entrusted to the Central Government, it is sure to conflict with the principle of provincial autonomy. And, moreover, the evil of drink would never be tackled and the curse will hang round the people's necks for ever.

Considering all this, we advocate that in addition to the abolition of provincial contributions, it should be laid down that treating the income of 1929 as the basis of income from income tax, any future excess over it should be divided equally between the Provincial and the Central Governments, so as to retain the interests of all parties and to avoid the very reasonable objection of the agriculturists, whose main ground of objection rested on the exploitation of their interests in the interest of the monied classes.

#### 7. The courts and Judiciary:—

We must confess it with shame that the increase of the Indian element in the judiciary of the country has greatly damaged its fair name and reputation that it formerly commanded. We do not mean to say that an Indian judge has less probity than an English judge. What we mean to say is that communal bias and prejudice is so much to the fore that it has become a sort of second nature with the Indians and even judges are not free from its taint. The Indian judges have to deal with their own countrymen whether of one community or the other. While an English judge has very rarely to deal between an Englishman and an Indian, and has often only to decide between an Indian and an Indian, so he has less opportunity to show his communal bias. But the Indian judges have to frequently deal between the members of their community and those of others so the temptation for him is greater, and it is a sad fact that very few Indians have risen above this communal bias.

In addition to their judicial duties, the judges possess executive powers too, and it has not infrequently happened that, as a result of the exercise of such powers a particular judge's community has gained at the expense of the other communities. Therefore, as it has been deemed expedient to appoint Royal Commissions at stated intervals to report on political progress, we think it advisable that to properly guard against the undue usurpation by one community, both in the judicial as well as the executive department of the judiciary, there should be provision in the law to appoint Royal Commissions at stated intervals, for this purpose also, say, after every seven years, a commission should be appointed which should report how far progress has been made in the elimination of this communal bias, after making thorough inquiries, and whether the various communities are enjoying their full rights. For instance, we take the Punjab judiciary. Here we find the Moslems very badly represented in view of their proportion in the population of the province. The High Court has one Moslem barrister judge as against three Hindu barrister judges, and even this Moslem judge has been imported from outside, and so he cannot be fully cognisant of the grievances of the local Muslims. The Small Cause Courts judges are generally Hindus. Most of the senior and junior posts in the judicial departments are held by the Hindus with only a nominal inclusion of Moslems. Why, in spite of the great strides education has recently made in the Moslem ranks, we find them represented in such a disproportionate manner in the judiciary, is a point worth going into. A High Court judge cannot be removed without the sanction of Parliament and His Majesty. Now if communal bias were to find its way into the ranks of the High Court judges, the peace of the country cannot but be jeopardised. Therefore,

until such time as this communal bias makes room for something fair and impartial, there is need for the institution of septennial Royal Commissions who should minutely go into all these points and report on the general progress made and make recommendations in connection thereof. Again, it should be settled once for all that the number of judges according to communities will be in direct proportion to the population of the communities. This principle is at present treated very lightly and has not yet been accepted as a working principle in India, whereas the League of Nations has admitted it as a part of the constitution for every government. The minority clause has been specially inserted in the constitution of the League with this end in view, so that the minorities may be represented on the judiciary of their country according to their numbers. If in Europe, where the people are so far ahead of India in education, this principle could not be dispensed with, but on the other hand has been given its due place in the various constitutions, why should India, which is at present the arena of communal fights and struggles, be deprived of it.

#### 8. The Constitutional problem in relation to some vital matters.

##### (c) Defence of India.

We are of the opinion that in the matter of the defence of India the Indians must bear the greatest possible share. To say that the Indians cannot defend themselves is not right, for the Indians have not had an opportunity to show their capacity for it. The Skeen Committee's recommendations should be given effect to as soon as possible. We would like to point out that, unlike our other countrymen, we are heartily in agreement with the amendments of Skeen Committee's report which the Government of India have effected.

##### (d) Social Progress in India.

It is, of course, the duty of every government to help in the social progress of the country, but it is also very necessary to bear in mind that under no circumstances should the religion of the people be interfered with.

##### (e) Federation in India.

We have already dealt with this question and we have declared it as our definite opinion that the future progress of this country is closely and indissolubly bound up with the policy of the Federated States of India.

##### (f) The Status and Position of India in British Empire.

As far as we understand, one of the root causes of all agitation in British India is the indifference of the governing powers to this question. An Indian does not like to be discriminated against or otherwise unfairly treated in foreign lands, much less can he stand any insult to his own nationality within the British Empire. Unless the Indians attain the same status and the same treatment as is enjoyed by the Free Dominions, it is idle to expect of the Indians to take any pride in the fact of their being the citizens of the British Empire. This is quite natural and the demand quite legitimate. When an Indian feels that he is treated worse than an alien in the British Dominions of Australia, South Africa, and Canada, that he is regarded there as something like an inferior being and at the same time when he comes to know that even enemy aliens of white complexion are treated like brothers, he cannot but regard the British Empire as a meaningless phrase so far as India is concerned. Rather than take any pride in it he regards the Empire as a sort of shackle or restraint upon his nationality, for he knows that being free a small country like Japan can retaliate on the smallest provocation, whereas India, in spite of its being a much bigger land, and containing better resources, cannot move her finger in spite of insults being heaped upon her, and this in spite of her being called a member of the British Empire.



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*Continued.*

The plea of difference in civilisations is a mere myth. If an Indian can be deprived of the rights of British citizenship on the score of such a plea, then one may naturally ask why should England with all her difference in civilisation and culture interfere in the internal affairs of India? If the Russians, in spite of this cultural difference, can live side by side with the Asiatics, why cannot the peoples of the Dominions? If in the British Dominions the Russians can enjoy equal rights, why should the Indians be deprived of this status? In short, this unfair and unjust treatment of the Indians has been cutting deep into the Indian sensitiveness, and we honestly think that if at any time in the future there happens such a thing as the dissolution of the British Empire, its greatest cause would be none other than this unfair and unjust treatment of the Indians.

10. *The Position of the Services.*

(d) The question of the recruitment of Public Service Commission.

This Commission is certainly a good thing, provided due care is taken to recruit Muslims in all grades of services in the Provinces. They should be recruited according to their proportion in the population, while in the Central Government they should get one-third of the posts. Capable and efficient Muslims can be easily found for all grades of services.

(e) *Indianisation.*—In our opinion the time has arrived when all the posts and grades should be thrown open to the Indians. Excepting the Army, Navy and Air Force, where, too, the process of Indianisation should be accelerated at a quicker rate than it is at present in all other departments, provisions must be made to give from sixty to eighty per cent.

of the posts to Indians. There can be no peace in the land until there is suitable accommodation for educated Indians of worth and capacity. It is apparent that there are no chances for an Indian in Canada, Australia, South Africa, or England, and if he be debarred from his own country, too, on the flimsy plea of efficiency, there is no wonder that he should swell the ranks of the disaffected.

Before closing this memorandum, we beg leave to respectfully submit that under the peculiar circumstances of India, where communal prejudices are so rampant, it is absolutely necessary that the right of minorities should be properly safeguarded, and just as in Greece, Czechoslovakia, Poland, America, Austria, Hungary, etc., safeguards have been provided for the rights of minorities in the constitutions of these countries. Similarly, the future constitution of India should definitely contain proper safeguards for the rights of the Moslems, particularly with respect to separate representation, proportionate share in the services, non-interference in religious matters, language and education. Without such safeguards the reforms would be no reforms for the Moslems, and the representative form of Government will merely exist in name.

It may not be out of place to mention here that certain representatives of the Ahmadiyya Community would also appear as witnesses before the Commission, and the names of the following gentlemen may kindly be noted in this connection:—

(1) *Maulvi Abdur Rhaim Dard*, M.A., late Imam of the London Mosque.

(2) *Doctor Mufti Mohammad Sadiq*, late of the Ahmadiyya Muslim Mission in Chicago, U.S.A.

(3) *Mirza Bashir Ahmad*, M.A.

## LAHORE.

Dated 5th November, 1928.

Afternoon

## PRESENT:

ALL THE MEMBERS OF THE COMMISSION (EXCEPT COLONEL LANE-FOX), OF THE CENTRAL COMMITTEE (EXCEPT MR. KIRKPAHLE FRENCHAM), AND OF THE PUNJAB PROVINCIAL COMMITTEE.

Deputation from the ALL-INDIA MUSLIM LEAGUE (Mian Sir MUHAMMAD SHAFI and 23 Members forming the Deputation).

The deputation consisted of:—

1. Mian Sir Muhammad Shafi Khan Bahadur, K.C.S.I., C.I.E., Barrister-at-Law; President, All-India and Punjab Provincial Muslim Leagues; President, Anjuman-i-Hamayat-i-Islam; Late Education and Law Member and Vice-President of H.E. the Viceroy's Executive Council and Leader of the Council of State.
2. Khan Bahadur Sheikh Sir Abdul Qadir, Barrister-at-Law; Vice-President All-India and Punjab Provincial Muslim Leagues; Chairman, Islamia College Committee (Anjuman Hamayat Islam); Member, Punjab Legislative Council, Late President, Punjab Legislative Council, Minister and Member, Executive Council, Punjab.
3. Dr. Sir Muhammad Iqbal, Kt., Barrister-at-Law, Honorary General Secretary, All-India and Punjab Provincial Muslim Leagues, Member, Punjab Legislative Council.
4. A. H. Ghaznavi, Esquire, Member, Indian Legislative Assembly, Secretary, All-India Muslim Legislators' Association (Bengal).
5. Sheikh Muhammad Abdulla, B.A., LL.B., President, District Muslim League, Aligarh, Member, United Provinces Legislative Council.
6. Major Nawab Ahmad Nawaz Khan, O.B.E., Muin-ul-daula feroz Jang Bahadur, Nawab of Dera Ismail Khan (N.W.F.P.).
7. Khan Bahadur, Nawab Muhammad Ali Khan Kazilbash, C.S.I., President, Anjuman Islamia, Lahore.
8. Khan Saadat Ali Khan, Honorary General Secretary, Anjuman-i-Islamia, Punjab, Lahore.
9. Syed Mohsin Shah, Advocate, Honorary Secretary, Anjuman-Islamia, Punjab, Lahore.
10. The Honourable Col. Nawab Sir Umar Hayat Khan, K.C.I.E., M.V.O., etc., Member, Council of State (Shahpur).
11. Sardar Habib Ullah Khan, Barrister-at-Law, deputy President, Punjab Legislative Council; Member, Council All-India and Punjab Provincial Muslim Leagues.
12. Maulvi Ghulam Muhyud Din, Advocate, Honorary Secretary, Anjuman-i-Hamayat Islam and Member, Council All-India and Punjab Provincial Muslim League (Lahore).
13. Sheikh Azim Ullah, Advocate, Honorary Secretary, Anjuman-i-Hamayat Islam and Member, Council Punjab Provincial Muslim League, Lahore.
14. Dr. Khalifa Shujaud Din, Barrister-at-Law, Joint Secretary, All-India Muslim League, Secretary, Islamia College Committee (Anjuman-i-Hamayat Islam), Honorary General Secretary, Provincial Muslim Education Conference (Lahore).
15. Sheikh Din Muhammad, Advocate, Member, Punjab Legislative Council, President, District Muslim League, Gujranwala.
16. Khan Bahadur Seth Adamji Mamoonsi, Honorary Magistrate and President, Anjuman Islamia, Rawalpindi.
17. Maulvi Muhammad Ali, President, Anjuman-i-Ahmadya, Lahore.
18. Dr. Mirza Yaqub Beg, Secretary, Anjuman-i-Ahmadya, Lahore.
19. A. R. Dard, M.A., Secretary (Propaganda) Ahmadya Community, Qadian.
20. Mirza Bashir Ahmad, Secretary (Education), Ahmadya Community, Qadian.
21. Mufti Muhammad Sadiq, Secretary (Foreign), Ahmadya Community, Qadian.
22. Sh. Hafizullah, Advocate, President, District Muslim League and Municipal Commissioner, Amritsar.

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23. Chaudhri Abdul Ghani, Barrister-at-Law, Member, Council All-India and Provincial Muslim League, Lahore.  
24. Maulvi Mahbub Alam, Member, Council All-India and Provincial Muslim League, Proprietor and Editor of Paisa Akhbar, Lahore.

Q. Now I refer to the points which I wish to take up. I do not want to refer from you that one of the principal controversies which arose in the matter of election throughout the country was first introduced in India? Would you very kindly tell the Conference when this principle was first introduced in India? During the pre-Minto-Morley days Indian representation in the legislative councils in this country, both at the provincial and central level, was by means of nomination. The principle of election was first introduced in the Minto-Morley Reforms.

A. Yes, yes. You mean to say it came into operation in the year 1909. Elections were held towards the end of 1909, or the 1st January, 1910, the first election was held. Simultaneously with the introduction of the principle of election, communal electorates were introduced in this country.

Q. Then Mr. Zafrullah Khan. At that time was any discussion expressed by any of the principal political parties in India with regard to these electorates? As a matter of fact it so happens that I played a large part in the discussions which took place between the Government on the one hand and the various representatives, including Mr. Sinha, the Muslim representatives, and Mr. Gopal Krishna Gokhale, who was the leader of the Indian National Congress at the time.

Q. Of course you are aware that under these Reforms the principle of separate electorates was not introduced in the Punjab?—No, it was not introduced.

Q. You were at that time—were you not—the honorary general secretary of the Punjab Provincial Muslim League?—I was.

Q. I presume that in the elections held under these Reforms you certainly took some part and might be aware of the details of those elections. Can you tell the Conference how that system worked in the Punjab? As general secretary of the Punjab Provincial Muslim League I had a great deal to do with all the three elections which took place under the Minto-Morley Reforms scheme, and as a matter of fact the so-called joint electorate then introduced resulted in this that at every election while in the beginning four or five Hindu and four or five Mahomedan candidates were proposed and seconded, at the final stage of the actual elections in each constituency there was only one Hindu candidate against one Mahomedan, and the fight thus became a fight not between individuals but between communities, and furnished a periodical recurring cause of friction between the two communities.

Q. Was the system found or accepted as satisfactory by the Muslims in the Punjab?—No; they continued to ask for the introduction of separate communal electorates in this province as well.

Q. Were their demands in any form or shape accepted?—There was a meeting of the Congress and the Muslim League leaders at Lucknow in December, 1916, and with the full concurrence of the National Congress leaders, who were mainly our Hindu brethren, and the then leaders of the Muslim League, a scheme was evolved, as a result of which separate communal electorates were introduced both in

Bengal and the Punjab as a result of mutual agreement, and this scheme was accepted by the Joint Select Committee of the two Houses of Parliament, in spite of the fact that the Government of India recommended that the Muslims in Bengal should be given 10 per cent. representation instead of 10 per cent. as agreed to in that part.

Q. I understand that in other provinces also this principle was accepted and had already been in force?—Yes.

Q. Can you say if this principle was accepted by all parties at that time or whether it was accepted only by some and objections were raised by others?—I can give the Commission positive facts in support of the statement that, right until the end of 1922 and even later, no objection was raised against separate communal electorates by any responsible person or organisation. On the contrary, in the United Provinces, during the period of office of my friend Mr. Chaitram, one of the leading Hindu politicians in this country, separate communal electorates were extended, with the concurrence of the Hindu majority in that council, to municipalities and district boards. In 1922 Pandit Madan Mohan Malaviya started the All-India Hindu Mahasabha. The first anniversary of that Mahasabha took place at Gaya under the Presidency of Pandit Malaviya what are known as the Shuddhi and Sangathan movements were started, and nothing was said against communal electorates. On the 19th August, 1923, the All-India Hindu Sabha met again at Benares under the Presidency again of Pandit Malaviya. Again stress was laid on the Shuddhi and Sangathan movements, but nothing was said even then against separate communal electorates. For the first time at Belgaum, at the annual meeting held on the 27th December, 1924, again under the presidency of Pandit Madan Mohan Malaviya, a voice was raised against separate communal electorates. That was the first occasion on which this new agitation was started.

Q. Chairman. I am afraid I have not quite followed you. I am anxious to keep the dates right. I think you said that no objection to separate electorates was raised in any responsible quarter till 1922. Now you are saying that no objection was raised though you are saying that no objection was raised to communal representation till 1924?—I divided this period. The first stage was the one ending with 1922. Until then the National Congress and the Muslim League were the two political bodies in India representing the political intelligentsia of the country. Towards the end of 1922 the All-India Hindu Mahasabha came into existence. Objection for the first time was raised in December, 1924.

Q. Chaudhri Zafrullah Khan: Since then there has been, as you are aware, organised agitation against separate electorates?—Yes.

Q. Do we understand that it started in 1924 and subsequently gathered force?—To the best of my recollection it started in the beginning of 1925 after the passing of those resolutions at the meeting I have already referred to, and, as far as I remember, this agitation in its acute form was started after Mr. Lajpat Rai's return from England and the publication in the Times of a letter by Lord Olivier attacking separate communal electorates. Mr. Lajpat Rai, on his return from England, resigned the vice-chairmanship of the Swaraj Party and joined the Hindu Mahasabha.

Q. Can you give the Conference your own view as to the object which made them unloose the agitation against separate communal electorates?—As the spokesman of this deputation, bearing in mind the principle of joint responsibility, I am giving the views of the deputation or of the association that this deputation represents.

Q. When I said "you," I must explain I meant you on behalf of the deputation?—Yes. We are of opinion that the Shuddhi and Sangathan movements, and the agitation against separate communal elec-

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torates, are part and parcel of the same programme and the same policy.

17. And in your view the object is?—The object is to bring into existence in India an oligarchy rather than a really representative government.

18. Do you think that the replacement of the present system of separate communal electorates by joint electorates in this province would lead to better inter-communal relations than at present exist?—No. In our view joint electorates are certain to furnish periodically recurring cases of friction between the two communities, and, as true patriots and nationalists, we are on that ground, as well as on other grounds, opposed to it.

19. You, Sir Muhammad Shafi, explained to the Conference why you think that communal bitterness might be intensified. Why should there be worse communal feeling in a joint electorate?—Because in a separate communal electorate we have a Hindu candidate fighting another Hindu candidate at the election, and a Mahomedan candidate fighting another Mahomedan candidate. If any feeling of irritation is generated thereby it does not last long, and it is confined to the community itself, while in the case of joint electorates, bearing in mind the actually existing conditions in the country, the fight will be between the two communities and it will be a periodically recurring fight. Joint electorates, instead of helping the cause of Indian nationalism, will thus be in the highest degree detrimental to that cause.

20. Sir Muhammad Shafi, you must be aware that one of the systems which in some quarters has been suggested as a sort of compromise between the joint system of election and the separate electorates is the system which briefly is called the joint electorates with reservation of seats for particular communities. Do you not think that that might provide you with a suitable system?—In our opinion the introduction of joint electorates with reservation of seats will make matters still worse, and that for this reason. We are in intimate and close touch with the actually existing conditions and therefore we know that what will happen will be this: The majority of Mahomedans will support the Mahomedan candidate who really represents the Mahomedan community. The majority belonging to the opposite community will set up a dummy Mahomedan to oppose him and might, by casting the influence which the moneylenders and others exercise, succeed in securing a minority of Moslem votes in support of that dummy candidate. Similarly the Mahomedans will counter the efforts of the Hindus by setting up dummy Hindu candidates and supporting them by their own votes. The result will be that, instead of a dual contest, there will be a quadruple contest in circumstances which will give rise to results far worse than even the ordinary joint electorates. There will be another consequence, sir, if I may invite the attention of the Commission to it. Every effort will be made by each community to defeat the best candidate of the other community and to try and put nonentities in the council. They will succeed in many cases; they will not succeed in all, and the result will be that the legislative councils, as a result of this joint electorates and reservation of seats system, will become the laughing stock of the country and will grow, from the point of view of the good of the country, worse than even the legislative councils we have now.

21. You are aware of the enormous amount of rural indebtedness in this province? Do you think that this indebtedness plays a part in the result of elections?—Undoubtedly it does. My long experience and intimate knowledge of the conditions of this province leads me to the conclusion that it does, and all the members of this deputation are in entire agreement with me with regard to this statement.

22. Are you of opinion that separate electorates under the Montford scheme of reforms have fostered communal dissensions and communal disturbances?—Far from it. Mr. Chintamani, the Minister already referred to, in his statement before the Reforms

Enquiry Committee, of which I was a member, in reply to my question, admitted that the introduction of separate electorates had fostered better understanding and mutual co-operation and goodwill between the two communities in the United Provinces, and that was the reason why he had been instrumental in extending separate electorates to district boards and municipalities.

26. Chaudhri Zafrullah Khan: With regard to this Province, is it your view that separate electorates here have in any way fostered communal dissensions?—No, what has fostered communal bitterness and communal dissunity are the *Shuddhi* and *Sangathan* movements on the one hand and the *Tanzim* and *Tabligh* on the other. Sir, this question of the responsibility for the existing Hindu-Moslem situation was discussed by me in an article in the June number of the *Indian Review* of last year, which, I believe, is referred to in this Memorandum.

27. Chairman: In any case it reached my hands 48 hours ago.—That is our analysis of the existing situation.

28. Chaudhri Zafrullah Khan: Can you say how many elections have been held from the university constituency since the Morley-Minto reforms?—I think six.

29. How many Mahomedan members have been returned and how many non-Mahomedans?—In five elections my Hindu brethren have been returned to the Council by the university and on one occasion Mr. (now Sir) Fazl-i-Husain was returned.

30. Was it before the introduction of the reforms or after?—That was before the introduction of the Chelmsford-Montagu reforms, when graduates were enfranchised. Before that only the Fellows of the university voted at the elections.

31. In the case of Sir Fazl-i-Husain, was there a contest, or was he elected unopposed?—I was Mr. Fazl-i-Husain's counsel at that election. There was a legal question involved. The Mussalmans put forward Mr. Fazl-i-Husain as their strongest candidate. My Hindu brethren thought that the candidate who was likely to defeat Mr. Fazl-i-Husain at the election, their best candidate, was Raja Sir Harnam Singh, and he was proposed and seconded. I appeared before the returning officer as counsel for Mr. Fazl-i-Husain and took the objection that Raja Sir Harnam Singh, not being a British subject, could not stand for election. The result was that my objection prevailed and Raja Sir Harnam Singh was disqualified and Mr. Fazl-i-Husain was elected unopposed.

32. Chaudhri Zafrullah Khan: Are you aware that there are some Fellows of the university who are elected by the graduates?—Yes. Under what is known as Lord Curzon's University Act two members of the Senate are elected every year by the graduates of the university.

33. And their total number is eight?—Yes.

34. Since the introduction of that system has any Mahomedan ever been elected?—No, not a single Mahomedan has been elected ever since the passing of Lord Curzon's Act.

36. Chaudhri Zafrullah Khan: From your vast experience as a lawyer in this Province perhaps you will be able to tell the Conference whether there is any statutory or customary rule of law which prevents a non-proprietor from obtaining a village site for building a house if the proprietor chooses to sell it?—There is nothing to prevent it.

37. Without going into details perhaps you will be able to tell us whether the present representation of the Muslims in this Province on local bodies, district boards and municipalities and town committees is according to the population strength?—So far as I have been able to collect statistics I can, in a few words, explain the position—

38. If you tell us whether it is below their strength or not, that will serve my purpose.—It is below their strength.

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33. Now, so far as the Legislative Council is concerned, you accept the principle of universal adult franchise?—Yes. The League advocates that.

40. Now I want your opinion, as the leading Mahomedan in this Province, whether there will not be a considerable amount of reluctance on the part of Mahomedan women to go to the polling booth?—In my opinion, for the next 20 or 25 years at least only a very small minority of Mahomedan women will go to the poll.

41. Now perhaps you would inform the Conference whether in your opinion the Punjab Land Alienation Act was designed as an economic measure or as a class measure, and whether it has operated as a class measure or as an economic measure, and whether you consider its continuance is necessary in the interest of the Province or not?—I had something to do with the passing of that Act was that, during the period of the genesis of that Act was that, during the period of the settlement alone, such a mass of lands had passed into the hands of the moneylenders that the result was disquiet and disturbances, and from a political point of view, the position became so dangerous that Mr. Thorburn, who was the Commissioner of Rawalpindi, recommended to the Government that some measure of this kind should be passed in order to prevent the expropriation of the landowning class in the Punjab in this manner, for it was developing into a grave political danger, both for the Government and for the country. That was the genesis of the passing of this Act.

42. Chairman: May I interrupt you? The Conference and the Statutory Commission are not going into the detailed merits of such an Act at all, because I do not suppose that anybody suggests that we should go into details of any particular Act. Its relevance is merely as a piece of legislation, referred to by one side as illustrating the importance of making more effective some express statutory provision which they suggest would make it impossible for the legislature to pass any legislation which conferred rights or opportunities on members of one community when it did not confer them on another. It was referred to on the other side and by you at this moment as an illustration of what you think is the necessity for such legislation. But the only relevant point is this, whether or not you think that there ought to be any statutory provision, something that either permits or prevents it?—I think the circumstances here are such that there ought to be a statute to prevent expropriation of the landed classes in this Province.

43. That is, of course, in regard to the Punjab. But it was suggested this morning, in the view which was put forward by a very large number of Hindus in this Province, that in any future constitution of India such a piece of legislation ought to be rendered impossible; it would be *ultra vires*. But I gather your view to be you do not think that there ought to be such a restriction put upon the local legislature?—I fail to see entirely why it is *ultra vires*.

44. And nobody suggests it is. We are talking now of the possible changes in the constitution. It may be very difficult for the Imperial Parliament to devise a rule that such things should not be done?—I think the Parliament ought not to lay down any such rule. May I in this connection mention one thing—I think the Punjab Land Alienation Act protects all the agricultural tribes alike, whether they be Sikh, Hindu, or Mahomedan.

45. Raja Narendra Nath: On page 108 you propose to sub-divide the Hindu community into caste Hindus and non-caste Hindus?—I do not sub-divide the Hindu community in this. There are My view of the Indian situation is this, numbering some the pre-Aryan aborigines of India, there are then the Hindus, and there are the Mahomedans. I do not sub-divide the Hindus themselves into these two sections.

46. Would you also include aborigines who have embraced Islam as a separate class?—If the pre-Aryan

aborigines of India themselves, any one of them, or any section of them, say that they are part and parcel of the Hindu community having embraced the Hindu religion, I am willing that they should be included among the Hindus, but not otherwise.

47. Do they call themselves Hindus, and have they got Hindu names?—Names do not signify anything at all.

48. Would you allow that sort of classification to be made in respect of other religions whether Mahomedans or Christians?—I say that all those who profess the Mahomedan religion are members of the Muslim community; all those who profess the Christian religion are Christians.

49. You want the census superintendent or the Christian to make a philological inquiry with regard to the origin of a man?—It is not a matter of inquiry as my honourable friend has put it. Everybody knows who are the pre-Aryan aborigines of India and who are the Aryan Hindu invaders. It does not need any investigation.

50. With regard to separate electorates, Sir Muhammad, I would invite your attention to the deputation which waited on Lord Mestrey, and to the reasons which were advanced for claiming separate electorates. The principal reason suggested was that the Mahomedans were a minority community. Would you not discriminate between a province where the Muslims are in a minority and where they are in a majority in the population?—Whatever may have been the reason given by that particular deputation to Lord Minto, whether that be the only reason or was one of the main reasons for which Muslims claimed separate electorates, the foremost reason for which I say that no change ought to be introduced in regard to separate communal electorates is two: firstly, I think that joint electorates will furnish a periodical recurring cause of friction and thus do an immense amount of harm to Indian nationalism; secondly, the only way to secure a thoroughly representative legislature in this country, as in the Kenya Colony, is through communal electorates and not otherwise.

51. Could you suggest any instance from the constitutions of the world in which separate electorates are retained at the request of a majority community?—I am afraid I have had no time to study it. I have seen the Constitutions all collected together by the Irish Parliament in one volume. I have seen all those, but I have had neither the time nor the leisure to study the history of the agitation in various countries in the world which resulted in one form or the other form of the electorates being adopted.

52. My question is this. The Constitutions which allow separate electorates are few. And do you know whether in the case of one such Constitution separate electorates had been retained at the request of the majority community? I have put it "from the Constitutions of the world," but, as a matter of fact, there are only about four or five instances in which separate electorates are allowed?—I know of no country in the world, in which modern parliamentary systems have been introduced, of which the political and social conditions are so complicated as those of India, and I think that really it is not a question of analogy of this country or that country. It is a question of deciding existing conditions.

53. In paragraph 6 of the Memorandum before me you have asked for representation of the Muslim community on the Provincial Council on the basis of population. Do you do away altogether with the principle of weightage for minorities, and do you allow that principle to be carried out everywhere?—Personally, and I think the Memorandum also has given expression to that feeling, I am willing to concede to my Hindu countrymen in those provinces where they are in a small minority the same concessions as they would be willing to concede to my community in those provinces in which they are in the majority in an overwhelming majority.



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stress on this point, that the method of election was not used before the Morley-Minto Reforms? That is right, I suppose?—Yes, the general elections.

72. And that as soon as the method of election was adopted under the Morley-Minto Reforms, communal electorates were adopted?—Yes.

73. Is that correct as regards the Punjab?—I have already stated that Punjab was the only exception. The question in a general way was, when were communal electorates first introduced, and my reply was generally that they were introduced simultaneously with the introduction of the principle of election.

74. I only want to get the thing right in my mind. The correct statement of the Morley-Minto scheme, that is to say, from the 1st of January, 1910, down to the Montford Reforms, there were no communal electorates at all?—That is true. Do you, Sir, when you put it so generally, refer only to the Punjab Provincial Legislative Council?

75. I mean, of course, the Punjab Legislative Council?—Yes, in certain of the local boards, for instance, communal electorates had been introduced long before that.

76. There were a certain number of nominated members and a certain number of experts and there were a certain number of elected members, elected, for example, by the Punjab Chamber of Commerce and various other bodies. So far as the elective members were concerned, they were elected by the district boards, and there were three of them. Now tell me if the district boards had a communally-elected element?—No; municipal boards had.

77. It follows, then, that there was not a single person under the Morley-Minto Reforms, so far as the Punjab Council was concerned, who was elected by a communal electorate?—No, there was not. I might mention that I myself was a member on all those three councils.

78. In some other provinces it would be equally untrue, would it not, to say that the whole system was based on communal electorates, but it would be correct to say that, for good reasons or for bad, there was added to the body a limited number of members that were elected by the Mahomedans of the province? For example, in Bombay there were four additional members elected by the Mahomedans of the province?—You will remember, if I may venture to say so, the question was merely this: when were communal electorates first introduced in India?

79. I am only anxious to get the facts. The fact seems to be that it would be untrue to say that in all the provinces the whole thing was based on communal electorates?—Mixed in parts and separate in others.

80. The separate parts were elected by means of Bombay only four members were elected by means of a communal electorate of some kind?—That is because they are in a minority.

81. I see the same thing, for example, in other provinces where the Mahomedans were in a minority, and I suppose that the real reason—I do not say it is an adequate one—the explanation why they did not do it in the Punjab was because when the scheme was drawn up they regarded the Punjab as a province in which the majority were Mahomedans. That must be the reason?—All I can say with reference to the observation is that if you will kindly refer to the speech delivered by His Excellency Lord Minto, in reply to the address presented to him by the All-India Mahomedan deputation on the 1st October, 1906, you will find in it the reason why separate communal electorates were conceded to the Mussalmans. You will find there what was in the mind of the framers with regard to each particular province.

82. What is stated is this: They point out that "in many cases electoral bodies as now constituted cannot be expected to return a Muslim candidate, and if by chance they do so it would only be at the sacrifice of such a candidate's views to those of the majority opposed to his own community." Therefore what strikes as one reads it, as a mere matter of history, that Lord Minto might very well have thought that

in a province where the majority was Muslim that proposition would not lead to a separate representation of Mahomedans?—With all deference I may say that the proposition as we understood it—I was also a member of that deputation at that time—was this, that any Mahomedan returned by a joint electorate cannot be said to be a real representative of the Mahomedan community.

Dr. Sukrawardy: I may say, sir, that in Bengal the Muslims form the majority of the population, and yet in Bengal, under the Minto-Morley Reforms, five seats were given to us in excess of our population. Lord Minto in his speech said to the following effect: The Muslims demand three things; first, communal representation; second, a few seats in excess of their numerical strength on the ground of their political and historical importance. The third demand was for the appointment of a Mahomedan Member to the Executive Council of the Viceroy along with the Hindu Member. The last he said he could not do. The word excess is very misleading, because as a matter of fact we have not got any excess, but, as you have pointed out, we had the joint electorate and the Muslim could offer himself for election by the joint electorate, though in practice, in Bombay, not a single Muslim was ever returned.

83. Chairman: It was a curious arrangement, but it is a thing which is only of historic importance. You have cleared my mind about a mere historical point. If the Commission has to write a report which includes an account of what happened under the Minto-Morley Reforms I must be quite sure that I understand correctly what it was, and you were speaking of all that is brought out now, the position remains as I stated in the beginning, that communal electorates as a system of election were first introduced in India along with the introduction of the system of election by the Minto-Morley Reforms.

84. It is plain. If you assume that there were no elections before 1909, and that the beginning of what I call the electoral period, it is true that from the very beginning this method of separate or communal electorates may be treated as the beginning of what I call the electoral period, it is true that from the very beginning this method of separate or communal electorates was to be found in India in all the provinces, except in the Punjab?—Yes.

85. Dr. Narang: On page 108 of your memorandum you say that the League represents the views and sentiments of the Muslims of India as a whole. Is it not a fact that there is another All-India Muslim League in the country and yours is only a schism or an offshoot or a descent of that League?—I am afraid my friend Dr. Narang's question is based on an entire misapprehension of the real state of things. It is a well-known fact that the All-Indian Muslim League split upon the question of the boycott of this Commission and that question alone, and that because of that split the League is divided into two sections at present and probably will be so long as this Commission remains here. So far as the policy of the League, apart from the question of the boycott of the Commission, is concerned, there is no material difference, and before long the two Leagues will unite.

Chairman: We had already heard there were two bodies, and I do not suppose questions and answers will decide finally and definitely the exact amount of authority of either. At any rate, it is admitted we have a very important and representative deputation before us.

86. Dr. Narang: That is a different matter. With regard to another matter, you rely a great deal on your experience of elections, but if I am not mistaken, you have never stood for election under the Reforms scheme?—To what scheme do you refer?

87. The Montford Scheme, either for the Assembly or the Legislative Council?—My friend knows very well (or he ought to, if he does not) that when the Montagu-Chelmsford Reforms were introduced I was a Member of the Viceroy's Executive Council and had no opportunity of standing for election.

88. I only wanted an answer, yes or no; that is all. Whatever the reasons may be, you have no personal

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experience of elections?—I stood for election twice under the Morley-Minto Reforms.

89. On page 108, referring to the basis of the franchise, have you gone through the memorandum of the Ahmadiyya community (pp. 112-120), which is also represented, I understand, in this deputation?—It is represented; both sections are represented.

90. If you will turn to page 112 of that memorandum, I should like to read a passage to you:—"We are, however, of the opinion that this extension should for the present be restricted to those who are in one way or other a support to the Government." The memorandum goes on to say, "we would suggest that the franchise be extended to (a) every one who pays to the Government land revenue or income tax or any other tax, however small the sum may be." Do you agree with this view?—So far as the position of the League is concerned, the League agrees with anything any other body may have said in so far as that body's memorandum is in agreement with what the League has said in its memorandum; as regards the rest, I am not in a position to express any opinion. You can ask them about it.

91. I should like to ask you what your ideal of constitutional advance is. If you had the power to-day, what further instalment of constitutional reform would you give to this country? What is your ideal?—The ideal is one thing and what measure of reforms I would at this moment give to the country is something quite different. My friend should confine his question either to the one or to the other. So far as the latter portion of the question is concerned, this memorandum embodies what I am prepared to give to the country at this revision. As to the ideal, it is what the Government of India Act says—responsible government; in other words, Dominion Status is my ideal.

92. You have said that the Indian question is not a national but an international question. Is that consistent with the aspiration for Dominion Status for this country?—Entirely consistent; I see no inconsistency between the two. For, if my friend will bear it in mind, Canada is now having its own ambassadors everywhere, and is yet within the British Empire. India has already got the necessary International status by being a member of the League of Nations in her own right.

93. You advocate provincial autonomy?—Yes.

94. Not only for the Punjab, but I hope for every province?—Our views are not confined to the Punjab. We do not say, "If such-and-such a thing is not done or is done we will not have any advance in the Punjab"; we want advance all over India equally, because we are true democrats and nationalists.

95. Do you think that in any province which enjoys provincial autonomy (and there are at least 11 provinces in India) two nations can subsist side by side under one system of government. If your idea of internationalism in India is kept in view, what will be the position?—It is not two nations, but two communities inhabiting the same country. There is a difference between nations and communities.

96. You have called this question an international question, not an inter-communal question, have not you? You have used the word "international," not "inter-communal." Is not it a fact that you have called it international?—International in the sense that you have so many communities here to deal with, and not one community.

*Dr. Narang:* In the sense of inter-communal, then.

*Chairman:* What is the question?

97. *Dr. Narang:* The question is this. (To the witness.) You have referred to three meetings; one in 1922, presided over by Pandit Malaviya, in which you say joint electorates were not mentioned; then to one in 1923, again presided over by Pandit Malaviya, at Benares, in which joint electorates were not mentioned. May I ask whether the Hindu Sabha is predominantly a social body?—The Hindu

Mahasabha is social and political, and also a body which protects the religious rights of the Hindus. It comprises all three aims.

98. Can you point to one political resolution bearing on joint or separate electorates or any other political question such as those now before the Conference at either of those two meetings?—If the Commission would like me to do so, to-morrow I will send in copies of the resolutions actually passed by the All-India Hindu Mahasabha bearing on constitutional reforms and other political matters. I read the proceedings year after year regularly.

99. *Chairman:* I think that would be a very useful thing.

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101. *Dr. Narang:* As for the Belgaum meeting held in September, 1924 (some four months after the last annual meeting of the Hindu Sabha), was not this a meeting held in connection with the Congress? The Congress was held at Belgaum?—It was a meeting of the All-India Hindu Mahasabha and not of the Congress, and therefore I cannot understand how it can be characterised as a meeting held in connection with the Congress.

102. Are you sure that your article in the *Indian Review* was not severely criticised in the Hindu press as containing some absolutely baseless statements?—Even the *Tribune* did not deny the facts I stated. The only criticism was that I did not refer to Sir Abdur Rahim's speech at Aligarh. They had to admit the facts, because the facts were undeniable—every one of them.

103. There was no criticism in any paper?—Yes, there was criticism.

104. All I wanted to know was whether your views were accepted by the Hindus as correct or not?—I can give you the article; I have it here.

105. *Dr. Narang:* On page 108 of your memorandum you say in paragraph 3 (c) "For the elections of the Provincial Legislatures, there should be universal adult suffrage." Why not also for the elections for the Legislative Assembly, if adult suffrage is your ideal?—Because we consider that the stage for that has not yet been reached.

106. But you think the stage for it for the councils has been reached?—Yes.

107. There is an essential difference between the Provincial Council and the Legislative Assembly?—Yes.

108. You say on page 109, "The League submits that this state of things is entirely opposed to all democratic principles and it urges the Commission to take this opportunity of redressing the grievous wrongs of the Muslims in these two provinces in these respects," and give the Muslims representation according to their population. Do you think it consistent with democracy that any community should demand separate electorates?—Yes, certainly.

109. You do?—Yes, because the basic principles of democracy are two: that the executive of a country should be responsible to its legislature, and that the legislature should be truly representative of the people. In order to make the legislatures in India truly representative of the people you must have communal electorates, otherwise your legislatures will not be truly representative of the people, and in the end the result will be the creation of an oligarchy which is entirely opposed to the principle of democracy.

110. You want democracy before the various elements of the people have been welded together to form one nation; does it not come to that?—They are welded together, and but for this present game of leader-bazi the present position would never have arisen; that is my sincere conviction.

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117. *Dr. Narang:* Only two questions more. You say the Central Government should not have residu-



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ary powers, which should vest in the Provincial Government, and you want federation on the American model?—Yes.

118. Is it not a fact that before this federal system sprang up in America each American State was an independent sovereign body?—That is the reason why we want provincial autonomy to be introduced first, and then reform in the Central Government thereafter, so that each province may constitute a State before the central federation comes into existence.

119. You want to break the nation into pieces and then bring them together?—Not a bit. India is not a country; it is a continent; it is a continent as large as the whole of Europe minus Russia, and its population is greater than that of the whole of Europe minus Russia. In a country like India there can only be a federation and nothing else.

120. On page 111 you say that in All-India services you want one-third. Are you prepared to concede to the Hindus also that proportion where they are in a minority?—Yes, certainly; if their minority in a province amounts to 25 per cent., as does that of Muslims in the whole of India, I am willing to concede them 33½ per cent.

121. In Assam the Mahomedans are 29 per cent.—We ask that the Mahomedans, who constitute 25 per cent. of the population, should have 33 per cent. of representation in the services. I am willing to concede to my Hindu brethren 33 per cent. of the services in every province where they constitute 25 per cent. minority.

122. Sardar Ujjal Singh: Separate electorates in 1916 were set up for Mahomedans, backed up, I believe, by the Muslim League; is that a fact?—They were first set up in 1921. The elections were held in 1920, not 1916.

123. Chairman: I understand you are speaking of the Lucknow Pact?

Sardar Ujjal Singh: Exactly.—That was an agreement respecting all provinces, not setting up of separate electorates.

124. Chairman: You appear to be perfectly right, if I may say so, in saying that the Lucknow Pact was in 1916.

Witness: That is right.

125. Sardar Ujjal Singh: And that was a part of the bargain to bring the Mahomedans under the Congress fold?—Congress fold?

126. Yes.—It was an agreement between two independent bodies, one representing one community, the other representing another community, two independent bodies, quite separate from each other. Neither Congress came into the fold of the League, nor the League came into the fold of Congress.

127. The spirit of bargain was there; is not that correct?—Yes, compromise, not bargain.

128. Is it your opinion that the system of separate elections is a permanent feature of the Constitution, or can you ever imagine a time when separate electorates might be dispensed with?—I am afraid I am not a speculator, and I refuse to speculate as to what may happen many years ahead.

129. Chairman: If you will excuse me, I was interested in the same point as that put by Sardar Ujjal Singh. I quite agree that none of us can foresee the future, not even the wisest of us; but at the same time I have often seen the statement made that the Mahomedan community wish to retain the separate electorate on the ground that it will be necessary to keep it for a time until, as they hope, of course, in change in the situation. And without, of course, in the least seeking to commit you to fixing a year, it would be useful, I think, to me and to the Commission to know whether you, with your great knowledge of the situation, think that your proposal is likely to be a temporary measure, or whether you think you see signs which would lead one to expect that a very long time?—The only way I can put it is this, that

in the existing conditions I consider that the only way to secure representative legislatures in this country—and that is the primary consideration—is to maintain separate communal electorates. When the communities have learned to respect each other's legitimate rights, the time may come—I do not know when it will arrive, or how soon—when the experiment of joint electorates with reserved seats might be tried; and later on, if the nation is welded together, and from a political point of view all communal distinctions disappear, then possibly it might be—

130. Do not think I am in the least indicating any view, or even any bias.—I quite see that, sir.

131. I must be quite frank about my difficulties. You have just said, and I think, if I may say so, very wisely said that nobody could fix a date; but I see that you do hope that the time may come, and you define it as the time when the people of this country cease to attach any political importance to these communal distinctions. Do you think you will cultivate that spirit in this country by maintaining or by removing communal electorates?—By maintaining them.

132. You think if you maintain them long enough the political opinion of the country will attach no importance to them?—Yes, and, on the contrary, I hold as the result of my experience that if joint electorates were to be introduced, this ideal that we as sincere well-wishers of the country as looking forward to, and ought to look forward to, will be postponed, because joint electorates will accentuate the communal difficulties, and will provide periodical recurrent causes of friction, and therefore, will keep up communal irritation and friction.

133. I do not know that those reasons were given, but in order that I might not be supposed to have any sort of bias in the matter, let me add one other thing. I should have said that it was an extremely strong practical consideration that although the authors of the Montagu-Chelmsford report expressed I think very forcibly, the arguments which appealed to them against communal representation, they none the less came to the conclusion that it was quite impossible to dispense with it, and I think it may be said again—no doubt it is a less striking fact, but it is an important fact, and one which you have every reason to know, and so has Sir Arthur Froom—that the Majority Report of the Muddiman Committee,\* which deals with this same matter, again did not indicate any enthusiasm for the idea in the abstract, but none the less said that they regarded it as practically quite impossible to get rid of the system now. The reason I asked the question, therefore, was that I wondered whether you, with your very wide experience in this matter, visualised in some reasonably near future such a change in the situation as would lead us to hope that this era which is contemplated in the question may come as soon as possible—I hope and pray, but I see no prospect of that in the near future.

134. Sardar Ujjal Singh: You said that by joint electorates with a reservation of seats the danger is that nonentities will be returned—those were the words used by you. May I know what you meant by nonentities?—Dummies—political dummies.

135. Does it not mean that the man returned will not represent the views of one community, but the views of all the communities he will represent?—Well, I have myself seen in the Legislative Assembly, when I occupied a certain position there, men returned who slept all the time that the discussions were going on, and never took the slightest intelligent interest in the discussions, and then, when it came to division, they looked at certain individuals, to see which lobby these individuals went into. I mean men of that type.

136. Chairman: But there is communal representation. Is there not, in the Central Legislature?—Yes.

139. Sardar Ujjal Singh: Do you say that in constituencies where there is a joint electorate the man

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returned is a nonentity, and always will be a nonentity?—Perhaps my friend has forgotten my answer. I said no doubt, from some of the constituencies good men would be returned.

140. As for adult franchise, you accept it, probably, as a democratic principle—you suggested it for that reason, I believe?—I suppose the members of the League who constitute the Committee had those considerations in mind.

141. And I find that some members of your deputation are also members of the Punjab Unionist Party, too, and in their memorandum they have suggested not adult franchise, but lowering of the franchise to Rs. 10 for landowners and Rs. 25 for tenants?—I think the best thing would be, as I am not aware of all the circumstances, to put the question to my friends, who are here.

142. *Sardar Ujjal Singh*: What I mean is that adult franchise is not the view of all the members of the deputation?—(*Sir Muhammad Iqbal*): It is.

143. How far, in your opinion, does the educational advancement in the province prevent the extension of the franchise to universal suffrage?—(*Sir Muhammad Shafi*): A very large number of voters in the Punjab have already been exercising their right to vote in municipal and district board elections, and therefore they have had sufficient education, direct education so far as voting is concerned, and the strong commonsense of the virile races of the Punjab, even in the case of those who have not yet actually exercised the vote, I think, fits them for the possession of the vote.

144. I said educational advancement?—Education is not the only test for the exercise of vote. I know lots of people who manage vast estates, and yet they are, from an educational point of view, almost illiterate. That is nothing.

145. So that is not the test in your opinion?—No.

*Captain Sikandar Hayat Khan*: Not the only test.

146. *Sardar Ujjal Singh*: You say the distinction between the Hindus and the Sikhs is of recent origin?—The political distinction.

147. Have you never heard of the Sikh community as a distinct community before?—Oh, yes. So have I heard of the Arya Samaj community as a distinct community ever since it was founded.

148. Not as a distinct political constituency in Ranjit Singh's time?—I do not quite understand the question. I have heard of the Sikhs, certainly.

149. As apart from the Hindus?—As apart, no.

150. Would you call that a Sikh rule or a Hindu rule? I put a plain question to you. Would you call that a Sikh rule or a Hindu rule or a Mahomedan rule?—In essentials it was Hindu rule, although it was called a Sikh rule, because the sub-section of the Hindus who ruled over the province were denominated Sikhs—just as you hear of Mahratta rule, Rajput rule, and so on.

151. Do you know that at the Nagpur Congress also, Sikhs were admitted as a distinct community?—I am not concerned with what the Congress did or did not do.

152. I ask whether you know or not?—I think they might have done so, in so far as it has become convenient for political purposes to make this distinction.

153. *Captain Sikandar Hayat Khan*: You said you would be prepared to give away the majority; but would you say that is a danger of turning a majority into a minority?—No, I say it is a condition precedent that no majority should be reduced to a minority, and that is the true democratic principle.

154. One more question about the Lucknow Pact. Do you think the Lucknow Pact of 1916 was fair to Muslims as a whole?—It is a well-known fact that the Lucknow Pact of 1916 was protested against by a very large section of the Mahomedan community, and that there was then, as unfortunately now over the boycott of this Commission, a split in 1916 amongst the Mahomedans over that Pact.

155. *Raja Narendra Nath*: If the importance of Mahomedans for representation in councils and for

representation in the services is to be considered in the light of the fact that they were rulers in the past, how much more important do you think it would be to assign places, with regard to representation in the services and in councils, to Christians who are the co-religionists of the present rulers?—Well, Sir, I personally am willing, and I think my friends of the deputation are willing and ready to attach due importance to all members of the British, Scottish and Irish races living in India.

*Raja Narendra Nath*: I am speaking of Indians.

156. *Chairman*: I think the question is with reference to the Indian Christian community?—I do not think Indian Christians rule over this country, or have ever ruled over it.

157. That was not the question; that was merely the introductory phrase used. The practical question is this, without any sort of introductory matter: Is it your view that the Indian Christian community in the Punjab is at the same time sufficiently important and sufficiently in a minority to require some special protection?—So far as the services are concerned—that was the question—I would willingly show every legitimate consideration to them.

158. *Raja Narendra Nath*: The fact of their being co-religionists—that is my question?—No.

159. *Raja Nawab Ali Khan*: In view of the opinion you have just expressed about joint electorates with reservation of seats, will you kindly tell us, in the district boards of your province how is it that I find out of 26 districts where you have joint electorates without reservation of seats, Muslims have secured seats much in excess of their voting strength?—So far as the district boards are concerned, the position is this, that in a number of district boards Mahomedans have secured much less than their due proportion of seats; in some they have secured more, but, on the whole, the number of members of district boards in the Punjab—Muslim members—is less than their proportion in the population.

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171. *Chairman*: There are two considerations with regard to what my friend has put to me which I ask him and the Commission to bear in mind. The election in these districts is on the basis of the Government formula, not on the basis of mere proportion of voters and so on; that is to say, a mean is struck between the voting strength and the population, and that makes a difference. Further (and, if my friend is not aware of it, I think he ought to be, for he himself occupies the position to which I am about to refer) these elections in these joint electorates (and this is my main objection to them) become matters of contest between communities and not only between the individuals concerned, with the result that the Mahomedan candidate is backed up by all the influential Mahomedan residents and the Hindu by the Hindus. Take Dera Ghazi Khan. The whole district is divided into so many *tumans* and the *tumaydars* are Mahomedans. It is obvious, therefore, the political influence in that district will be on the side of the Mahomedans, and in consequence, the Mahomedans have there secured a larger number of seats than is their due on the voting basis. The result, which is perfectly natural, gives rise to heart-burning among the Hindus.

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172. *Raja Nawab Ali Khan*: You said that in your view the members returned by joint electorates were mere dummies?—Not all of them; I did not say all of them.

173. You have asked for representation according to the population basis in Bengal and the Punjab, but you want the retention of the Lucknow Pact as regards the other provinces. What is the principle on which you make this suggestion?—I am very willing to make the same concession in favour of my Hindu brethren in the North-West Frontier Province, Baluchistan and Sind. That is a mere matter of reciprocity.

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174. For the Mohamedans you want proportional representation on a population basis?—Because their majority is only nominal—5 per cent.

175. That is for the Punjab and Bengal, but you want to stick to the Lucknow Pact for the other provinces?—Yes, because there the Mohamedans are in a very small minority. Where they form 10 per cent. or 15 per cent. of the population it is immaterial to our Hindu brethren if they have 15 per cent. instead of 10 per cent. and 20 per cent. instead of 15 per cent., but it would strengthen the minority to a certain extent.

187. Sir Hari Singh Gour: You recognise, I take it, that so far as you are concerned your object is to safeguard the interests of your community, the Mohamedans?—My object is to bring into existence in India a truly representative government.

188. That is your object?—That is my object.

189. All else is subservient to that main object. There are other things, but this is the main object.

190. If this main object is served, everything else is subservient to this main object?—I would not call it subservient, but additional. There may be other things which are of almost equal importance.

191. Tell me what else is of equal importance to the fact that you want to establish in this country a thoroughly representative institution. What else is of equal importance?—The prevention of the coming into existence of an oligarchy.

192. But then it would not be representative government?—That may be, but I consider that as of equal importance.

193. Also you wish, Nationalist as you are, to see India nationalised as soon as possible?—Yes.

194. You are anxious about it?—I am.

195. Consequently you would be prepared to use such means as may bring about a speedy consolidation of the people of India?—Such means as would bring that about. Certainly.

196. If, therefore, during the transitional period we devise some means of safeguarding the interests of your community sufficiently, and, while seeing that the fundamental principle of representative institutions is not violated, bring about a progressive realisation of the nationalisation of the country, you would be in favour of it?—Yes, as a hypothetical proposition.

197. Have you considered all the various alternatives that may occur to one for the purpose of safeguarding the interests of minority communities, including your own?—It is possible some may have occurred to me, but I am not in a position to know what considerations may have occurred to other people.

198. May I give you one?—Yes.

199. You are naturally anxious that your representative should not be, as you have called it, a "dummy" of the Hindus?—Of the non-Mohamedans. Do not use the word Hindus: I do not like it.

200. Very well. Suppose your community elected three candidates for one seat, and then there was a joint electorate and one man was elected out of those three, would not that fear be eliminated?—Do you mean there should first of all be an election amongst the Mohamedans, and they should elect a panel of three, and then there should be another election?

201. A joint election; yes.—It would be much too cumbersome a machinery, and I do not know it would result in any real benefit at all.

202. Is that your suspicion or your considered opinion?—You have just put it to me and I have given you an opinion offhand. A considered opinion means having had time to consider it.

203. Before I put it to you this alternative had not presented itself to you for consideration; is that so?—Yes.

204. Sardar Shivdev Singh Uberoi: You have tried to show the Conference that the Sikhs form a sect of the Hindus, and that therefore the seats in the

Council should be divided between the Mohamedans and the Hindus?—Yes.

205. You have also said that the principle of communal representation was introduced when the present reformed councils were started, and that before that it did not exist in the Punjab. Can you tell the Conference whether any member of the Sikh community, which you believe to be a sect of the Hindus, was ever elected to the Punjab Council before separate communal representation was allowed for the Sikhs? Can you say whether before that any Sikh was elected on the Punjab Council?—I am afraid I do not remember. If the lists were in front of me now I might be able to tell you.

206. Will you accept my statement that as far as I remember no Sikh was elected during that period?—I do not remember. I do recollect this, that Sardar Gajjan Singh, a Sikh, was my colleague on the Punjab Council, and there may have been others.

207. One Sikh was elected for the whole of the Punjab?—That may be, I forget now.

208. May I know your term of office as member of the Executive Council of the Governor-General?—From July, 1919, to 31st December, 1924.

209. Was that when the Government of India Act was under consideration?—No, the Government of India Act was passed in 1919. We received intimation of the Act having been passed in England shortly after—two or three months after—I joined the Government of India.

210. Do you know from Government records that the Punjab Government emphasised that they recommended a separate electorate for the Sikhs, who formed a separate community in the Punjab, and therefore deserved a separate electorate?—I have no recollection of that. That must have been before I joined the Government. All the despatches had been sent before I joined the Government of India.

211. Of course, there is no gainsaying that this principle has been adopted by the Government, and that it is being acted on. I do not wish to enter into an academic discussion as to whether Sikhs are Hindus or whether they are not, but two glaring facts I would like to get from your statement. You stated that Sunnis and Shias formed two different sects of Mohamedans, did you not?—Yes.

212. But that analogy does not apply to Sikhs and Hindus, because, as you know, the Sikhs have got their separate scriptures, while the Hindus have got their separate scriptures?—That is a matter of argument.

215. Dr. Suhrawardy: Is it not a fact that the Mussalmans of the Punjab were given an amount of representation less than their numerical strength under the Lucknow Pact?—Yes, that is so.

216. What was the amount of representation given to them under the Montagu-Chelmsford Reforms?—Was it the same amount of representation as was agreed upon?—They did not even get that which the Lucknow Pact conceded to them.

217. As a matter of fact, in the Punjab council, as the result of elections from the special electorate, are you in the enjoyment of even the amount of representation which the Mussalmans of the Punjab thought they would get under the Reforms?—No, we are not.

218. A question was put to you about the historic and political importance of Mussalmans?—Yes.

219. In the Punjab you have got not even the amount of representation on your population strength, leave alone your historic and political importance and your war services during the Great War. Is not that a fact?—Yes, that is the fact.

220. Have you any objection to the Sikhs being given a number of seats in excess of their numerical strength on the ground of their political and historic importance and their services during the Great War if the Mussalmans are given the same consideration in the matter of representation on the strength of their population and their historic and political importance?



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Morley-Minto provincial councils of a limited number of members elected on a simple Mahomedan vote. Then they go on to say: "The Hindus' acquiescence is embodied in the present agreement between the political leaders of the two communities." That, no doubt, refers to the Lucknow Pact. "The Mahomedans regard these as settled facts, and any attempt to go back on them would rouse a storm of bitter protest and put a severe strain on the loyalty of a community which has behaved with conspicuous loyalty during a period of very great difficulty, and which we know to be feeling no small anxiety for its own welfare under a system of popular government. The Mahomedans regard separate representation and communal electorates as their only adequate safeguards." I want to ask you, Sir Muhammad, to tell me and the Conference (and specially the British Commissioners) in a sentence whether it is your view, with the experience that you have, and speaking in your representative character, that that remains true still, that the Mahomedans regard separate representation and communal electorates as their only adequate safeguards?—It does.

250. You think so?—Yes.

251. Then the authors of this Report go on to say: "Much as we regret the necessity, we are convinced that, so far as the Mahomedans at all events are concerned, the present system must be maintained until conditions alter, even at the price of slower progress towards the realisation of a common citizenship." I have asked you whether you could help me to some view or estimate of the probability of a change in the situation, and you have rather said you cannot speak of the future, though you hope for a change?—I hope.

252. Then comes this striking sentence: "But we can see no reason to set up communal representation for Mahomedans in any Province where they form a majority of the voters." You observe it does not say "where they form a majority of the population," but "where they form a majority of the voters." Then that being the view expressed in the Montagu-Chelmsford Report the next thing one likes to look at is the Southborough Committee's Report, again using you as a means of getting these things together. I have got here the Report of Lord Southborough's Committee, Volume I., Command Paper 141, 1919?—There were two Southborough Committees, one on electorates and one on subjects.

253. Quite. This is on electorates, and on page 7 of the Report comes the passage on communal representation. It contains a very important sentence. I think the Committee sat in the year 1919?—I was a member of the Subjects Committee.

254. I know, but what is important for the moment is this one.—They both sat simultaneously.

255. As a matter of fact, the Report was in 1919. Let us get the actual date. It is dated 22nd February, 1919?—Yes.

256. Sir Malcolm Hailey was a member?—Yes.

257. I see on page 7 what Lord Southborough's Committee says is this. They refer to the passage in the Montagu-Chelmsford Report which I have just summarised. "The Joint Report," they say, "recognised the necessity for the communal representation of Mahomedans in Provinces where they do not form a majority of the electors." Then they say this: "The evidence received by us and the opinions of local Governments concerned were almost unanimously in favour of this course. In all Provinces except Bengal and the Punjab Mahomedans are in a minority as regards both population and electorates. In Bengal and the Punjab, where Mahomedans form a majority of the population, our rough estimates show that they form a minority of electors," which they were anticipating in trying to make the calculation. Then this strikes me very much: "There was very general agreement in favour of communal representation for Mahomedans in those Provinces as well as in the rest of India, and the local Governments urged the same step." Then the authors of the Report say: "Both Hindus and Mahomedans are thus in substantial

agreement that the latter should everywhere enjoy communal electorates."—Exactly. That is my position.

258. This was a document drawn up immediately after this Committee had been in the Punjab, and "Both Hindus and Mahomedans," they say, "are thus in substantial agreement that the latter should everywhere" (that is, in the Punjab, too) "enjoy communal electorates and," they go on, "we have no hesitation in recommending that effect should be given to this common desire."—Yes.

259. I am going to ask you a question about that; but it certainly would appear that the authors of this Report of Lord Southborough in 1919 were then under the clear impression, on the material before them, that not only Mahomedans but Hindus were in substantial agreement on the matter. That, I think, is the interesting point?—There is one thing I hope you will permit me to observe here. The late Mr. Gokhale, in a document which is known as his will and testament, recognised the right of the Mussalmans to special representation.

260. My friend Dr. Suhrawardy referred to it this morning?—Yes.

Dr. Suhrawardy: Yes, that was in 1919.

261. Chairman: Let us go a little further. The next thing which I think the Conference might well consider is this, that if we take the official book, page 14, we see that, whereas by way of population the Mahomedans are 55 per cent. of the Punjab, taking the present general electorates and the present franchise rules the Mahomedans are not a majority of the electorate?—They are not.

262. But, on the contrary, are 43.77 per cent?—That is so.

263. Does not that seem to show that Lord Southborough's Committee was at any rate right in this. They were right when they said that their estimate went to show that, though the Mahomedans were a majority in population, they would turn out to be a minority in the electorate?—That is quite right.

264. Then it seems to me at present to follow that, if that is so, it was not a departure from the Montagu-Chelmsford Report to provide for communal representation in the Punjab for the Mahomedans, but it was an application of the Report?—Exactly.

265. That seems to me to be the direct position in historical fact; I say nothing about whether it is right or wrong?—Exactly.

Major Attlee: Does that show that it is possible that, though they might be in a minority of voters in the whole Province, yet, owing to the formation of a constituency, they might be able to return a majority to the Punjab Legislative Council?

266. Chairman: I cannot find that either in the Montagu-Chelmsford Report or in the Southborough Report that aspect of the matter was brought out, but, as we had occasion to observe this morning, there is no doubt at all that the distribution of the Mahomedan population, and, indeed, of the Mahomedan electorate, in this Province is not uniform over the whole area, but, on the contrary, you get a very considerable preponderance, not merely of population, but of voters in what we may call the western parts?—Yes.

267. And, on the other hand, in some urban districts you get a very different situation; and that, of course, has to be borne in mind?—Yes.

Raja Narendra Nath: I have considered this point which Major Attlee is raising in my Memorandum.

Chairman: I recognise that you have; indeed, I have it in mind. It is a very interesting analysis. But it is a fact, as far as it goes. Of course, we are not deciding anything; we are trying to get the facts right.

268. One other thing. I have had worked out for me some figures which I think may be useful to the Conference and perhaps also to you. The Lucknow Pact—if you can call that sort of arrangement a pact; lawyers might argue whether or not it has any contractual force—or the Lucknow scheme arranged for the Punjab, provided that Mahomedans in the Punjab

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should have one-half of the elected Indian members?—That is right. As a matter of fact, we have not got that.

269. I just want to see. Let us look at the figures as they in fact are to-day. If you take the general elected seats, by which I mean if you exclude the land-owners' constituencies, exclude the university, industry, commerce—if you simply take the general electorate there are 64, and of those 64, 32 are Mahomedan. That is exactly 50 per cent.—Yes.

270. The next thing is this. There are four land-owner seats, and it is fair, I think, to say that of those four, two may be safely supposed to be Mahomedan, one by express definition and the other in practice, because it is Baluch Tumandars, and two others, one Hindu and one Sikh. So you now get the total of 64 turned to 68, but you get the 32 turned into 34, and it is still half?—That is right.

271. And the only sense in which it can be said to-day that the Mahomedan elected members are not half of the total elected members is this. There is a member elected for the university, where (except in one case when, owing to your astuteness, there was no contest) a Hindu in fact has always got in. There has been one occasion where there was not a contest; I do not care who the other candidate was, but it is one of my distinguished friend's forensic triumphs that he took the objection at the right moment, and therefore there was no contest. That is the one exception. The Industry Member in practice has turned out to be a Hindu; the Commerce Member—that is what Sir Hari Singh Gour was referring to—has been a Christian. That means that you are adding three members without adding anyone to the Mahomedan list, and that is really the state of the poll, is it not?—Yes.

272. There is one other thing which rather puzzles me. I know you do not mind my speaking quite frankly. I am a little puzzled by the statement that no serious challenge to this communal representation arose, as you think, till December, 1924. I will tell you why I am puzzled. I quite see the strength of the point that it was not prominent at the time of the Southborough Committee, because I have just read the passage; but, you see, the Muddiman Committee was appointed and made a report, and, as we all know, you were on the Muddiman Committee, and you yourself signed the majority report, and I see, when I look at paragraph 69 of the Muddiman Committee's Report, a very important passage on communal representation, beginning: "A question of much greater importance is undoubtedly that of communal representation." I miss a few words out. "We have received conflicting evidence on this question from the witnesses before us, which we consider it is unnecessary for us to summarise in full. On the one hand it is urged that the election of members on a communal basis is a very serious obstacle in the way of constitutional advance"—and so on. Then lower down on the page, in the same paragraph, "it must be admitted that, in principle, these provisions are open to constitutional objection, and most of us look upon them as an obstacle to political advance." You observe it says "most of us"?—I remember that.

273. "But we consider that the abolition of any communal electorates (and in this we include reserved seats) is quite impracticable at the present time." Now, it is obvious, is it not, that the Muddiman Committee evidently had this matter before them as a matter of contest and dispute?—Well, the reply to that, if I may respectfully say so, takes us back really only to three months earlier than December, 1924. We sat in Committee to take the evidence, as far as I remember, in August and September. Until then no resolution had been passed by any representative non-Muslim organisation taking any exception to this. No doubt among the witnesses who appeared before the Muddiman Committee, some had taken exception to this. But they were individual opinions expressed by those witnesses. On the other hand, I have pointed out that a Hindu representative of the position of

Mr. Chintamani, who is the editor of *Leader*, has approved of it. So, it is really a matter of more or less three months. But if you feel inclined to think that exception was taken three months earlier

274. *Chairman*: I am only trying to get at the fact merely because it is very important to see when this strong criticism emerged. You see the report of the Muddiman Committee was signed in December, 1924, and you yourself were one of the signatories to it. So I think it must have been rather before?—May be three or four months before, say, in the summer of 1924. My point is simply this, that the objection against communal representation is a matter of comparatively recent origin and came to the surface after the foundation of the All-India Hindu Mahasabha in 1922.

275. *Chairman*: I wish to be entirely fair. We must remember that it may be urged, and urged with some force, that at the time when the objections began to be strongly taken, actual experience had been gained as to how the system worked, but when Lord Southborough was sitting or when the Montagu-Chelmsford Report was being drawn up, the full effects of working of the system were largely matters of surmise. That is an argument that will have to be met.

*Witness*: With all due deference, I might say that communal electorates had been in actual practice for a period of 12 years in many provinces in India when the Southborough Committee wrote their report.

*Chairman*: I do not attach so much importance to that now. I understand what you are referring to is that the Minto-Morley system, though on the whole it was not based on communal representation, made a small addition of Mahomedans by separate electorates in the case of certain provinces. So, for my own part, I do not attach so much importance to that as I should have done earlier in the afternoon before I heard you.

*Dr. Narang*: I have one explanation to make, sir. Why the idea of communal electorates came to the fore about 1924 or just about that time was this that if you would look at this official document "Communal Disorders," the first riot reported here is on 11th April, 1923. Then the story goes on as to the causes that led to the riot, how people joined hands and so on; and it is very likely that they thought that this was one of the reasons which went to swell it.

*Chairman*: I think it is very important to be clear, and we could not have a more authoritative evidence to help us about the history of this question than Mian Sahib's.

276. *Lord Burnham*: Sir Muhammad, may I put you one question on a different matter, but one of great importance, in which I should like to have your considered opinion. Do you think, from the Mahomedan point of view, that so far in the political arrangements of this Province dyarchy has worked smoothly and to the public advantage?—I think, taking the whole history of the working of dyarchy in all the Provinces of India, this is the one Province in which it has been more successful than in any other Province in India.

277. In Bombay also we had evidence to the same effect; but, of course, you are not speaking for Bombay Presidency, but only in regard to this Province?—Lord Burnham, you know that dyarchy was introduced in India on 1st January, 1921. Until 31st December, 1924, I was a member of the Government of India; so that for those years I had intimate and direct opportunities of studying the situation so far as the working of the Reforms scheme in all the Provinces was concerned. After that, on reversion to private life, as I take keen interest in public affairs, I have watched carefully the working of this system almost everywhere in India, and I can only express my own personal opinion, and that is that in my opinion dyarchy has been worked more successfully in the Punjab than in any other Province in India. Next to the Punjab, come Bombay and Madras, where this has been worked successfully.

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278. *Lord Strathcona*: In your document from the All-India Muslim League, Mian Sahib, you say, in paragraph 13, sub-section (a): "The League is, on the whole, of opinion that this experiment should now be scrapped and a unitary form of Government should be inaugurated in the Provinces." Does the expression "on the whole" indicate that some of your members consider that the time for the scrapping of dyarchy has not yet arisen, and, if so, is that body of opinion what you call an influential one?—No, I do not think it is. You see, Lord Strathcona, we were weighing the pros and cons; something is to be said for and something is to be said against.

279. *Chairman*: I think, Sir Muhammad, you wanted to say something at the end.

*Witness*: Yes, Sir. While expressing my gratitude to the Commission for the very patient hearing they have given us this afternoon, I wish to say, on behalf of the deputation, that we have heard with the deepest regret and pain that a certain deputation this morning stated that, if separate electorates are not abolished, they would rather not have any reforms in the Punjab. (*Sir Muhammad Iqbal*: In the whole of India.) Did they say in the Punjab or in the whole of India?

280. *Chairman*: The opinion expressed this morning by the spokesman of the deputation was that, unless certain conditions were fulfilled, the view of his party was that they would prefer no constitution advance.

*Witness*: Without any reference to the Punjab or India? Well then, we have received, if I may venture to say so with all deference to my learned friend, the statement which sounds to me like the statements sometimes made by children—

281. *Chairman*: Please do not criticise; if you want, you can express dissent.

*Witness*: What I wish to say is this: If we were not sincere well-wishers of constitutional advance in our country, we might have countered that statement by saying that if communal electorates are abolished we would rather that even Montford Reforms were taken away. But, being sincere well-wishers of the country, we want constitutional advance, and at the same time we insist upon the retention of separate electorates because we believe that that is the only way of bringing into existence in this country really representative government and to avoid the creation of an oligarchy.

282. *Chairman*: Mr. Muhammad Ali, I take it, is the spokesman of the deputation which represents the Ahmadiyya community. We have all got your memorandum, but would you like to say anything either in support of, or to draw a distinction from, what has been said by the rest of the deputation?—*Maulvi Muhammad Ali*: I agree in principle to what has been said, but I want to add this, that in the future constitution, religious freedom and the freedom of profession of faith as well as adoption should be included as an integral part of the scheme.

283. *Chairman*: You would like some provision made in the statutory constitutional structure to that effect?—Yes.

284. *Chaudhri Zafrullah Khan*: What do you mean by "religious adoption"?—Everybody should be free to declare to which over religion he belongs.

285. *Chairman*: Does the other gentleman, Mr. Bashir Ahmad, wish to add anything?—(*Mr. Bashir Ahmad*): I would just like to say, Sir, that we are in favour of Dominion Status if the rights of the Mahomedans are protected.

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## Memorandum on Sikh Representation submitted by the CHIEF KHALSA DIWAN, Amritsar.

This memorandum is submitted, on behalf of the Sikh community, in accordance with the invitation, issued by the Royal Indian Statutory Commission in their notification No. F-143/28, dated 8th March, 1928. It is not intended to be a complete review of the system of Government which at present prevails in this country, nor does it purport to deal with all the questions which fall within the scope of the enquiry on which the Commission are now engaged. It is proposed to set out in this memorandum the views of the Sikh community on such matters as particularly concern them or which are closely connected with such matters.

2. Before, however, dealing with these matters, it seems necessary to make a retrospective review of the treatment accorded to the Sikh community in the past. Without this, it is feared, the grievances of the community will not be fully appreciated, and the case of the community is likely to be seriously prejudiced. It is needless to say that the Sikhs are a virile, young community who have, in the past, cared more for shouldering the burdens and responsibilities of the Empire than for political agitation for reforms. They have been profusely spilling their blood in defence of their country against foreign aggression and internal turmoil, and fighting for the Empire in all quarters of the globe. It is not necessary to amplify upon this subject. The Sikhs have received a rude shock by having had to realise that, when time came for the extension of reforms in the administration of the country, those who talked loudest and manœuvred agitation could alone be listened to only if they could put up an appearance of a "United demand." It seems to be exactly in this latter spirit that the Lucknow Compact of the Congress and Muslim League was approached by the authors of the Montford Scheme of Reforms in the winter of 1917-18. It is not proposed to deal exhaustively here with all the efforts which the Sikh community put up to have their case considered on its merits, but it is necessary to state that in all stages of the enquiries, whether in India or finally in England, they were often met with the reply that the Congress League Compact of Lucknow stood in the way of the just recognition of their claims, in spite of the fact that the Sikhs were neither parties to it nor were they even consulted by those who were responsible for drawing it up. Copies of the memoranda, which were then submitted on behalf of the Sikh community, attached herewith (annexures A, B, C and D),\* would sufficiently explain the position which then existed. It is now a matter of some relief that both Hindus and Mahomedans, who were then responsible for such an inequitable division of power among themselves, purely on the basis of negotiation, as remarked in the Montford Report, have found the Compact faulty, and have now repudiated it, though from their different standpoints and for reasons of their own. Certain further schemes are now being drawn up, again by negotiation. In these schemes also Sikh interests are being ignored. It is therefore necessary to strike a note of warning at the outset against any such plausible schemes of division of power being now accepted unless these make due provision for all interests and parties.

3. Sikhs are a young community, with a strong dynamic force running through their nerves, which fortifies them to suffer and die for a just cause, but they are also of a most democratic frame. Of the three main communities inhabiting the Punjab they are the most literate and were its rulers before the advent of the British. They occupy the highest economic status in the Punjab, to whose revenues they contribute the most. They have the highest stake in the country, and cannot entertain the idea of having to live at the mercy of the two sister communities in the province. Their political and economic importance cannot be exaggerated. It is

therefore necessary not only in the interests of the success of the scheme which the Parliament may eventually evolve for the governance of this country, but also for the harmonious development and advance of this country towards responsible government, that all these aspects are scrupulously kept in view when the scheme is prepared and matured.

4. When saying all this, the Sikhs do not wish to make any proposals in a spirit of narrowmindedness. They are fully aware of the essentials of a healthy national growth in the country. While anxious to maintain their individuality as a separate community, they are always ready to co-operate with their sister communities for the development of a united nation. They would therefore be the first to welcome a declaration that no considerations of caste or religion shall affect the matter of organisation of a national government in the country. They are prepared to stand on merit alone, provided they, in common with others, are permitted to grow, unhampered by any impediments, in the way of reservations for any other community. Some other communities, however, still seem to persist in one form or other for the recognition of religious factions in the constitution of the country, and, if their claims are recognised and creed forms an integral part of the basis of representation in the administration of the country, the Sikhs apprehend danger to their very existence, unless adequate safeguards are provided for them. The tyranny of majority is an expression not wholly unknown in the political history of the world, and when such majority is based on religion, the extent to which such tyranny might go is unlimited. A simple case may perhaps be quoted how that has taken place in the Punjab Legislative Council under the existing constitution.

5. The Mahomedan community forms majority of the population of this province, and Hindus and Sikhs are minorities, being only about 32 and 11 per cent. of the population. Although as a majority community, Mahomedans were not under the necessity of any safeguards for their protection, yet they succeeded, by clever manœuvring and in the absence of Sikhs, to secure for themselves separate electorates in the Punjab, with half the elected seats, amongst the Indian population, to be reserved for them, in the Lucknow Compact, which surprised even the authors of the Montford Report (page 105). In spite of strong protests against this proposal, more particularly on behalf of the Sikhs, whose existence was absolutely ignored in this Pact, and warnings addressed to the authorities against the creation of a standing religious majority, against not only each of the other two communities in the province, but even against a combination of both, this proportion was secured to the Mahomedans in the province under the constitution framed. The result has been most disastrous, not only to the natural growth of national feeling in the province, but in many other ways. Secure against any defeat by the other communities, or even against their combined strength, the Mahomedan minister, backed by his co-religionists in the Council and often by Government, which had to depend upon this Mahomedan majority for its own maintenance, trampled the cherished rights of the other communities under his feet. Even Government was defied at times by this majority, and was insolently told that its very existence could be made impossible by the Mahomedans, upon whose vote it had to rely so much for its continuance.

6. The passing of the Sikh Gurdwaras and Shrines Act of 1922 is a case in point. It is not intended to give a history of the struggle that the Sikhs had to make to rescue their holy places from the clutches of immoral and extravagant Mahants and priests. Despairing of all legal efforts that they had made for over half a century under the existing laws, the Sikhs

\* Not printed.



organised themselves to assert the force of public opinion, and, opposed by the selfish priests and Mahants, they had even to suffer massacres, which opened the eyes of Government to the necessity for special legislation. The Mahomedan Minister of the Punjab Government happened to be in charge of the portfolio, and he whittled down all reasonable proposals for a healthy provision being made whenever such an attempt appeared to be nearing success. He brought out a Bill of his own to deal with the situation, which was, to say the least about it, a useless piece of legislation. It was unanimously opposed by the Sikhs whom it concerned. It was also opposed by the overwhelming majority of the Hindus. And yet the Mahomedan Minister was able to pass it in the Council, backed by his standing Mahomedan majority and the official block, and it was placed on the Statute Book as Act VI. of 1922. It is, however, interesting to add that the Act remained an absolutely dead letter till it was repealed, about three years later, by Act VIII. of 1925, though after considerable further sacrifices and sufferings which the Sikhs had to make and undergo. Another point worthy of note in this connection is the manner in which the Mahomedan Minister set up a curious formula by which different communities were given representation on Municipal Boards, and his formation of new constituencies for District Boards, by which the interests of his own community were furthered and those of the Sikhs were prejudiced.

7. So far as the Punjab Legislative Council is concerned, instances like this, though, perhaps, not so glaring, can be multiplied to prove the mischief of allowing a standing religious majority to trample upon the feelings and interests of the two minority communities. The argument is often advanced that a majority of population cannot be permitted to be reduced to a minority in the legislature, where they form a majority and that as the Hindus, who they form a majority of the population in them, why should be allowed to retain that majority in them, why should not the Mahomedans have the same majority here? The analogy, however, is not correct. In other provinces there are two important communities, Hindus and Mahomedans, to be considered; while in the Punjab we have three distinct communities, Hindus, Mahomedans and Sikhs, whose respective interests have to be safeguarded. The Mahomedans in the Punjab may be allowed a majority against each community, but in the interests of fair play they cannot claim a majority against any combination. Needless to add that it is against the fundamental principle of democracy to provide safeguards by a statute in favour of a majority community. It may also be pointed out that Hindus, in other provinces, such as Madras and Bombay Presidencies, where they form a majority of the population, are themselves divided into two well-defined sections, Brahmins and non-Brahmins, differences between whom are as keen as between any other two entirely different religious communities. The tyranny of one majority community over another is thus minimised there. But such is not the case in the Punjab. The mischief of allowing a majority to a community over any combination of minority communities is too obvious to require further comment.

8. It has already been mentioned that the Sikhs, in spite of being the smallest of the three communities in the Punjab, are prepared to forego all communal representation if this can be knocked out of the constitution of the country. Mahomedans, depending upon their majority, should welcome such a proposal, but if they do not, it is but reasonable that the division of seats should be made in the province on other than numerical considerations, and the existing proportion of Sikh seats in the province should be considerably increased. It is subject to these reservations that the Sikhs beg to offer the following criticism regarding the present constitution and make their proposals about its future develop-

ment. In making these proposals, it will be necessary to briefly refer to past experience, based so far as this Memorandum is concerned, on the working of the system in the Punjab.

9. It seems that in the Punjab it is somewhat difficult to say that dyarchy has either succeeded or failed. While heads of Government have generally been pleased, it is said, to hold joint meetings of both wings of Government, and while the responsibilities to administer the departments were distinct, the ministers have all along been controlled by the Finance Department, which was a reserved subject. The ministers, thus, could not act independently when they were hampered in their actions, not only by the moral influence exercised by the Head of Government, inspired often by the Secretariat, but also by the standing constitutional check of the Finance Member, who has also been a member of the Indian Civil Service, to which service and its cognate services the Secretaries have always belonged. It is also an open secret in the province that the ministers have not always had complete and loyal support from the heads of departments under them. Bureaucracy still holds the powers it had, and the Governor, as their head, is still as autocratic, if not more, as he used to be. Ministers have been unable, in spite of their earnestness, to carry out their schemes of development, partly for want of funds and partly on account of the unsympathetic attitude of the bureaucracy. In addition to these facts, another impediment in the efficient and impartial discharge of responsibility by the ministers in this province has been the communal bias. The constitution had, itself, recognised the principle of communal representation, and it appears that some ministers, at any rate, have considered that they could feel secure in their seats only if they could hold their own community at their back, and for this purpose they have had to take measures and initiate policies which were designed to placate their community alone. Such measures and policies have naturally evoked considerable resentment and consequent ill-will, which have very often prevented the full fruition of those measures. It is thus clear that the existing system has been inherently defective, and if the partially responsible Government, as the present administration under the Reform Scheme is called, has not hitherto led to the greatest happiness of the people, the fault lies mainly in the system itself, and not so much in the men who were selected to work it out. The ministers were not always selected on account of their capacity or popularity, but many other considerations seem to have prevailed in their appointment. Under these adverse circumstances, the surprise is not that the system has failed, but that it has worked at all and has achieved an amount of success. The experiment has, anyhow, proved that Indians have got the capacity to govern themselves, and would be able to work their country's salvation, if the impediments in their way were removed.

10. As regard the growth of parties, the existence of watertight communal compartments, both in the electorates and in the Council and Assembly has naturally prevented their formation and development in the proper sense, and the same cause has adversely influenced and, in fact, retarded the growth of public opinion in the province. Every one has had to consider the system in terms of communal gains and losses, and no one has had his vision taken beyond such limits. Subject to this, it is impossible to say that, in spite of the low level of education and the illiteracy of the masses, the electorates have not taken intelligent interest in the working of the constitution. They have formed reasonable opinions upon public matters of interest and have insisted upon their representatives to press their views in the councils. Education has advanced and people have begun to realise that the power of vote is not to be entirely thrown away. No doubt such votes have often gone on sectional considerations, but this is the fault of the constitution and not of the electors. The latter

## MEMORANDUM ON SIKH REPRESENTATION.

[Continued.]

have not had occasion to think otherwise. The Sikhs, therefore, while they welcome an extension of the system of responsible Government, feel that any extension that may be decided upon should be accompanied by the removal of encumbering adverse conditions, and if these latter cannot be removed, they feel that no radical extension of the present system will be useful to the country. It would merely extend the area of mischief.

11. The first Reform that is needed in the body politic, therefore, is to remove the drawbacks of the present system by

- (a) Removing communal representation altogether.
- (b) Declining the Governor as a purely constitutional head, without any direct hand in the administration, except power of veto.
- (c) Allowing the legislature full control over the finances; and
- (d) Subordinating the executive and bureaucracy to the will of the legislature.

12. A scheme of communal reservation of seats with joint electorates has recently been put forward in the country and has been freely discussed to take the place of the present separate communal electorates. Although this is an improvement upon the present system, of which the evil effects will be removed, to some extent, it will afford no remedy for the ailments of the body politic, which have been described above. Should, however, this be decided upon, or the present system were allowed to continue, the Sikhs would earnestly pray for relief from the tyranny of the majority, by the amendment of the present constitution, so as to increase the proportion of Sikh seats in the Council, as well as in the Assembly and the Council of State and a similar representation in the administration of the country.

13. The case of the Sikh community has been stated fully in the communications and memoranda, which were presented to Government when the Montford Scheme was on the anvil both in India and in England, copies of which are herewith attached.\* The Sikh community desires that the Commission may be pleased to refer to the Records on this subject in the offices of the Government of India and the Secretary of State for India in Council, for, as mentioned in the Report of the Sikh Deputation that had been sent to England in 1929 (copy attached herewith as annexure E), the Sikhs believe that the justice of the claim of the Sikh community was acknowledged in England, but effect was not given to it mainly because of the iniquitous division of power as proposed in the Congress League Compact of Lucknow, to which Sikhs were no party. But for this injustice done to the claims of the Sikhs, the history of the relations between the Sikh community and Government might, perhaps have been different in many respects than it has been during the last eight years.

14. The Sikhs claim that the proportion of seats in the Punjab Legislature, as between the three main communities—Mahomedans, Hindus and Sikhs—should be 40, 30 and 30 per cent. respectively, and the same should be the proportion of their representation from the Punjab in the Central Legislature. This will give a clear majority to the majority community against each of the other communities, but not a standing tyrannous majority against a combination of the others. That the Mahomedans can apprehend no such combination against them in the Punjab will be evident from the fact that the Sikhs have hitherto thrown in their lot more often with Mohomedans than with Hindus, especially as their interests, as a rural and agricultural community, have coincided with those of the Mahomedans.

15. In Sind, Delhi, and in the North-West Frontier Province we have a fairly large Sikh population and of persons believing in the Sikh Gurus. We would request that the claims of Sikhs in Sind be specially

recognised. Demand has, however, been made in certain quarters for the repatriation of Sind from the Bombay Presidency. We are not in favour of such a proposal. But if such a step is to be taken then Sikh claims for adequate representation in the newly formed Province should be fully recognised. In Delhi and the North-West Frontier Province similar representation should be conceded to the Sikhs in the new constitution that may be formulated for these Provinces.

16. Subject to the above reservations, under which no one single community can oppress members of another, the Sikhs would recommend a system of Federal Government being established in the country, under which each Province will have full independence in all internal affairs, but will be subject to the control of the Central Government in matters pertaining to the defence of the country and constitution against both foreign aggression and internal commotion, other than ordinary breaches of the peace. The foreign relations and the questions relating to tariff, external trade, and other cognate subjects, such as communications, post, telegraph, etc., must remain within the entire control of the Central Government.

17. No member of the permanent services of the country should ever be appointed as Governor, and Ministers should always be chosen so as to represent the various elements constituting the Legislature, and should exercise joint responsibility in all matters, subject to the vote of the Legislature. The heads of departments and secretaries to Government should under no circumstances be allowed to go to the Governor direct.

18. There should be a complete separation of the executive and judicial functions in the administration of the country. The judiciary should be entirely under the control of the High Courts.

19. Franchise should continue on the same basis as it is at present. Provision, however, should be made in the constitution itself for gradual extension of franchise with the spread of education and crystallisation of informed public opinion.

20. Under no circumstances should system of communal representation, whether through communal or joint electorates, be allowed to exist in local bodies, but minorities should have adequate representation on these bodies.

21. Governors in the Provinces and the Governor-General in the Central Government should have exactly the same position and powers as they possess in self-governing Dominions, like Canada, Australia and South Africa.

22. Crown, through the Governor-General and a Commander-in-Chief, as the case may be, must continue to control the Army, Navy and Air Force, as well as relations with foreign and Indian States, but all other subjects, both in the Provincial and Central Government, should be subject to the vote of the Legislature.

23. All constitutions, both Central and Provincial, should be bicameral, i.e., there should be a Chamber of Senators where the Acts of the representative body should be subject to revision, and the constitution of such revisional chamber should be based on higher electoral qualifications, with the addition of a limited number of members appointed by nomination to represent classes and interests which might otherwise remain unrepresented.

24. Services should all be recruited through a Public Service Commission, set up in each Province, and one at the Central Government, and endeavour should be made to increase the representation of Indians to 75 per cent. of the total vacancies. The Public Service Commission shall, in each Province, see that all classes of the population are fairly represented in the services, but the criterion of appointment in all cases shall be merit and efficiency for the work expected to be done.

\* Not printed.

## LAHORE.

Dated 6th November, 1928.

## MORNING.

## PRESENT :

ALL THE MEMBERS OF THE COMMISSION (EXCEPT COLONEL LANE-FOX), OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND), AND OF THE PUNJAB PROVINCIAL COMMITTEE.

## Deputation from the CHIEF KHALSA DIWAN, Amritsar.

The Deputation consisted of :—

1. Sardar Bahadur Sir Sardar Sundar Singh Majithia, Kt., C.I.E., Amritsar.
2. Sardar Mohan Singh Ji, Rais and Landlord, Rawalpindi.
3. Sardar Teja Singh Ji, B.A., LL.B., Advocate, Rawalpindi.
4. Sardar Sant Singh Ji, B.A., LL.B., Advocate, Lyallpore.
5. Sardar Man Singh Ji, B.A., LL.B., Advocate, Lahore.
6. Lieut. Sardar Raghubir Singh, O.B.E., Sandhawalia, Raasassi.
7. Sardar Mangal Singh Man, Rais Kot Shera, Vice President.
8. Sardar Jodh Singh, M.A.
9. Capt. Lakka Singh.

189. *Sardar Ujjal Singh*: Time is very short, and I hope you will give your replies as briefly as possible. It was said yesterday that the Sikhs were not a distinct community, but were part and parcel of the Hindus. Do you agree with this view?—(*Sardar Sundar Singh Majithia*): Sikhs have been a distinct community. From the times of the Gurus they have been a distinct community, and I cannot accept the statement from a rival community that we are not a distinct community; I cannot accept it at all. Facts are facts, and we have to recognise facts as such. We, as Sikhs, are interested in safeguarding the rights of the Sikh community, and it could not be expected that in doing so we should allow ourselves to be merged into A, B or C. I will not name them, but simply say A, B or C. With the communal outlook as we have got it here it is very difficult for our community to safeguard its interests. Religiously and socially we are a distinct community, and as such our interests are not identical with those of any other community at all.

190. Can you give me an instance (part from what you have already said) in the pre-Reform or post-Reform Councils where the Sikhs have sided with the Muslims as opposed to the Hindus?—If instances are required I can give you a number.

191. Yes, briefly?—Take the debates, for example, in 1922. On the resolution regarding the amalgamation of the North-West Frontier Province with the Punjab and the grant of Reforms in the North-West Frontier Province (*Debates, Volume IV., page 195*) they sided with the Mahomedans. On the resolution regarding holding summer sessions in Simla (*Volume II., pages 355 and 356*) they sided with the Mahomedans.

*Chairman*: That last illustration does not sound an important one!

*Witness (Sardar Sundar Singh Majithia)*: Then in another question, about the emoluments of the *zaildars* and *landbards* they sided with the Mahomedans. Another important question which was dealt with in my department was the resolution regarding schedules of occupiers' rates on the canals in the Punjab. There also they sided with the Mahomedans. These instances could be multiplied if you like, Sir.

192. *Sardar Ujjal Singh*: In the pre-Reform council?—In the pre-Reform councils. Perhaps I may not be disclosing anything which is not right, but I, as one of the representatives of the Punjab, was returned with the help of the Mahomedan members, and the idea used to be that once a Sikh should go and another time a Mahomedan should go. In fact, there was a great complaint on behalf of our Hindu friends that this was not right at all, as they had not a chance of being returned.

193. *Sardar Ujjal Singh*: Can you tell me whether a party system on political lines can be evolved with the system of communal electorates?—I am afraid not. Under the present separate communal electorates no such party system can be evolved unless there is a change in the outlook.

194. You think the parties in the council are based on communal lines?—They have been in the past.

195. Supposing separate communal electorates are maintained, do you want them to be confined to the legislatures or would you extend them to local bodies?—I would certainly not extend them to the council, but I shall have objection to their extension to the local bodies. You mean making an experiment there as well?

196. You mean that you would confine them to the legislatures?—No, not at all. What I meant was that I would not extend separate electorates to local bodies.

197. Would you then make an experiment of the system of proportional representation in local bodies in place of separate electorates?—Perhaps that will be the best method. That experiment might be tried in the local bodies first, and if it proves successful there it might be extended later on.

198. Under a system of communal electorates would you have a chief Minister in the Council forming his own Ministry?—Well, as I have said before, if communalism were to remain you cannot possibly expect that a chief Minister would carry the confidence of all the members of the Legislative Council. At any rate, he will have to be supported by his own members, and there may be members representing the other communities in the Cabinet, so to speak, and they would be supported by their own members. If communal

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[Continued.]

feelings have to remain, naturally this would not work.

192. The demand has been made that separate electorates should be maintained, and that seats should be reserved for all communities on the population basis, even for a majority community. May I know your views on this point?—Well, it would lead to this, that the majority community would practically have the whole show. It gives the majority community the statutory right to govern the country independently of the wishes of the people as a whole. This could not possibly be done, I am afraid. Then the next point is, would the Sikhs like this? The Sikhs were the rulers of the Punjab and they fought with the British for their country. They did not give up the Punjab without a struggle. Do you expect that we shall like ourselves to be subordinated to another community to rule over us?

193. (Chairman Zafarullah Khan): Would you like to rule like to rule? All the communities should join together and rule. Unless they do join together they cannot rule.

194. Sardar Lajpat Singh: Would the rule of one community be communal raj or swaraj?—The answer is evident. I need not reply. That will be a peculiar sort of swaraj.

195. You have been in the Council for three years. I believe, Sardar Jodh Singh? Do you think the Sikh minority has been able to protect their interests (Sardar Jodh Singh): I am afraid it has not been able to do so. I can give you some glaring instances. The dearest rights of the Indian people are the religious rights. In 1923 a Minister with the block of votes of his own community forced the Gurdwara Bill on the Sikhs in the teeth of their united opposition. The Bill was so much disliked by the community that it could not be brought into force even after its passage. Then another thing was done to reduce the importance of the Sikhs in the local bodies. You know perhaps that, compared to their numbers, their voting strength is very large, to reduce that voting strength a formula was invented, that on the local bodies the representation should be according to the mean of the voters and of the population. Separate electorates were not introduced, but orders were issued on behalf of the Ministry of Education to the effect that the constituency should be cooked in such a way as to produce that result, and the Sikhs suffered in consequence. These are the two glaring instances. If you want minor instances I can quote more.

196. You will be prepared to make a sacrifice if communal representation in any form is not given? But if it is to be kept alive in any shape or form you would have your representation weighted in excess of your number. What are your grounds for this weighting?—(Sardar Sundar Singh Majithia): First of all we do not want communal representation to be removed simply for the sake of show and to show a sort of unity which is really not there. But if it is possible to remove it throughout the country as a whole—I do not want to be understood by the use of the word "country" simply the Punjab, but I mean the country as a whole, India as a whole—then Sikhs would be prepared to sacrifice themselves for the sake of nationalism. But if this communal representation is conceded or exists in any peculiar way all round, and it is only shown to have been removed in the Punjab, very cleverly removed in the Punjab, I am afraid I cannot accept that. Nobody expects that would be kept out of the Punjab.

197. Chairman: I would like to be entirely clear about this. I understand you to say on behalf of your deputation that if the principal of communal representation is entirely removed from the constitutional structure of British India, in all its parts, then the Sikh community, so far as you are able to speak for it, would be prepared to abandon the separate Sikh electorate in the Punjab?—They will be prepared to sacrifice for the sake of nationalism.

198. That is to say, they will abandon the separate electorate. But, on the other hand, I understand you to say that unless there is a complete removal of communal representation everywhere the Sikhs are not prepared, as far as their own request goes, to abandon separate representation?—Yes, sir. That we have said.

199. Sardar Lajpat Singh: You want representation in excess of your number?—You know in our representation we have provided 30 per cent. for the Mohammedans, 50 per cent. for the Hindus, and 30 per cent. for the Sikhs. My grounds are these. First of all we are only in the Punjab to any appreciable extent. Outside we are only a very small community, and as such we have everything, our hearths and homes and everything in the Punjab. So in this province we could not be expected to be placed in any position which will be detrimental to the interests of the community as a whole. In other provinces the other communities can bargain for the sake of majority in one or minority in the others, but we have not any such considerations outside the Punjab. That is the first reason. Then we have besides that very large gurdwaras with endowments attached to these gurdwaras which are not only existing in the Punjab. These gurdwaras exist outside the Punjab as well, even in some of the native states. For example, the last resting place of the 10th Guru is at Nander (Hyderabad, Deccan). Then we, as a military community, have fought the battles of the Empire and sacrificed for the upkeep of the Government. We have shed our blood not only on the frontiers of the Punjab, but even outside at great distances. In the last war in the frontiers of different countries where the war was raging. Then our military strength in the past has been nearly one-sixth of the whole army. As regards the revenue, we pay in the province, I believe, something like 40 per cent. of the total land revenue. The Hindus and Mohammedans are in the majority in some of the provinces. In some provinces the Hindus are in the majority and in some the Mohammedans are in the majority. In that way they can keep the balance of power in different places, but we, being simply in the Punjab, unless we are given special weightage for our representation, we cannot keep the influence of the community, or we cannot exert any real influence in the debates, or we cannot make ourselves properly felt. Then no minority community should be at the mercy of a majority community and no majority community should be in a position to tyrannise any minority community, and, against such contingency, there should be a combination which should be able to defeat that contingency should it arise. Coming to our services in the war, I think we have given nearly one out of every four men that went from the Punjab. And as regards the rewards we have won I think one-third of the rewards as a whole.

200. Do you think, Sardar Sahib, that one of the causes of this late agitation was the disappointment felt by the Sikh community on account of the inadequacy of representation given by Government?—Naturally. I think we were promised in the Joint Report of the Right Honourable Mr. Montagu and Lord Chelmsford that this community will be represented on the same basis as the Mahomedan community, but when the actual time came the promise made was not fulfilled.

201. You mean according to the calculation based on the representation given to the Mahomedans?—That average was whittled down.

202. Do I understand that the proportion of representation given to the Mussalman minorities in other provinces was far in excess of their number? Was it 30 per cent. proportion calculated on that basis?—I will give you the figures. Take the example of Bihar and Orissa. The Mahomedans in Bihar and Orissa are 10 per cent. of the population and they have been

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Given 27.5 per cent. in the compact, and I think the Government gave them 29 per cent.

210. Do you think that the constituencies in the Punjab are unmanageable? They are, yes.

211. What measures would you suggest to decrease the size of the constituencies?—There are two things. I would suggest the increasing of the number of members in the council. The other thing is we can do away with urban and rural distinction. That distinction, I understand, is not seen anywhere except in Bengal, and perhaps this has been removed in Bengal also.

212. Chairman: What do you mean by removing the "urban and rural distinction," Sardar Sahib?—We have got rural constituencies and urban constituencies. I would certainly like that this distinction might be done away with.

213. But, of course, obviously the towns must have representation. You would not suggest that Lahore should have no representation?—They will come in. You can form a constituency.

214. I think what you mean, perhaps, is this, that you do not like towns up to 10,000 inhabitants being thrown into a rural constituency. Is that so?—Not exactly that. What I mean is that it introduces a sort of distinction. We have already got many distinctions.

215. You say then that there must be members of the legislature who represent great towns like Lahore. And there must be members of the legislature who represent districts like Lyallpur. What do you mean by saying that you want to get rid of the distinction between urban and rural?—We have got some special constituencies as well, and we can form other constituencies if need be and group them together.

Sardar Ujjal Singh: I think what he means is that different towns are grouped together, one town here and another town at a distance of 20, 30 or 40 miles. What he means to say is to do away with that distinction. If you take Lyallpur district, include Lyallpur town also in it and make two constituencies instead of one.

Witness: I will give you another example. Take the Sikh urban constituency. The whole of the Punjab is lumped together for this one seat. How can you expect a man to go about from place to place for long distances to canvass votes during elections?

216. What would you do in that particular case?—I would do away with the distinction between urban and rural constituencies.

217. Would you do that for all communities?—My idea is for all communities. I do away with all those distinctions. The loss of those distinctions, the better.

218. Are you in favour of retaining the special constituencies, such as the universities constituency, industries, etc.?—Yes.

219. The landholders' constituency?—Yes, excepting one here which I myself have not been able to understand—the Tumandars' constituency with ten voters.

220. Do you want provinces to be set up as independent sovereign states?—You mean that all the residuary powers should be taken away from the Central Government and given to the provinces?

221. Exactly?—I am afraid I am not in favour of that.

222. Could you give the Conference some idea as to how diarchy has been working in the province? You were in the Government for some time, for five years, I believe?—

Chairman: I should like to make that point clear. When were you in office?—I was Executive Council Member, sir, from the 3rd of January, 1921, to the 2nd of January, 1926, that is, five years.

223. Sardar Ujjal Singh: Could you give the Conference some idea of the working of diarchy?—I said that diarchy has worked fairly satisfactorily. But in some respects you cannot say it has worked all right.

I should be committing myself too much, and may be divulging certain things, and so I should rather say nothing further.

224. How did you like the idea of departmental heads or secretaries approaching the Governor over the heads of Members like yourself, or the Ministers? I did not like it at all.

225. Chaudhri Zafarullah Khan: Are we clear, Sardar Sahib, that that happened?—It always happened.

226. Sardar Ujjal Singh: Are you in favour of entrusting the question of recruitment to the services to an independent body like the Public Service Commission?—Yes, I think we have said that in our Memorandum.

227. Chaudhri Zafarullah Khan: Sardar Sahib, I should draw your attention to page 137, paragraph 16, of your Memorandum, which is signed by you, of course, and you must know the recommendations which have been made by you. You say: "Subject to the above reservations, under which no one single community can oppress members of another, the Sikhs would recommend a system of Federal Government being established in the country, under which each Province will have full independence in all internal affairs." Since when have you changed that view?—Of course, full independence in certain subjects, but not in all.

228. Am I to understand that in your answer with regard to residuary powers given to Sardar Ujjal Singh what you really meant was what is given in this paragraph? Do you want to amend it?—I think we have said something about residuary power when we considered the question in connection with the Nehru Committee's Report. I think we said that residuary powers should not be taken away from the Central Government.

229. Since you signed this Memorandum, your view has undergone a change?—Not a change. In some cases certain power should remain with the provincial Government, but there are certain other powers which should remain with the Central Government.

230. Does paragraph 16 continue to represent accurately your view on that point, or does it require modification?—It is subject to what I have said just now.

231. It is modified to that extent?—You take that interpretation in the wrong way. But from my point of view there are only certain powers which should be exercised by the Provincial Government, but the residuary powers should remain with the Central Government.

232. At page 135 of your Memorandum, in the last sentence of paragraph 5, you said: "Even Government was defied at times by this majority, and was insolently told that its very existence could be made impossible by the Mahomedans upon whose vote it had to rely so much for its continuance." Will you cite either some document or some declaration where that was said?—In the open council, one of the Mahomedan members said so.

233. Will you give me a reference? That is a very serious allegation?—I could not do it at the moment, but it could be given.

234. I will be very glad if you will. You say that Government was defied by this majority. Do you mean to say that the Mahomedans were in a majority?—You can see that from the number of Mahomedans.

235. I will put it in this way. Out of the elected and nominated members, apart from the official bloc, the Mahomedans were 36 out of 79, including nomination. Do you call that a majority?—As I said, with the communal bias which has been rampant throughout the Punjab Council, they were nothing else but a majority.

236. You call 36 out of 79 a majority?—You are lumping together the Hindus and the Sikhs. I do not take it in that way.

237. In order that a majority should have its own way it has to be an absolute majority. Other people combined together can defeat any bloc which is less than half. What is your meaning with regard to this

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majority? I understand that, so far as absolute majority was concerned, the Mahomedans were in a minority?—I am doubtful if they were.

238. You think these figures are not correct?—I do not think that these figures are correct. But I say that when you lump together the Hindus and the Sikhs into one bloc and take the Mahomedans separately, they are in a minority.

239. Can you tell me as to whether during the latter part of the second council there was no Mahomedan Minister?—I cannot give you any reply to that because I was not in the council.

240. But do you know as a matter of fact, as an outsider, after you had resigned?—You might put that question to my friend Sardar Jodh Singh, who was in the council.

*Sardar Jodh Singh (witness)*: Yes, I could inform the Conference about that and give the reasons for that also.

241. I am not asking reasons. I am merely eliciting facts?—(*Sardar Jodh Singh*): The fact is known to everybody that there was no Mahomedan.

242. During that short time did the Mahomedan bloc support the non-Mahomedan ministers?—(*Sardar Jodh Singh*): The Mahomedan bloc tried its best not to support, but the Hindus and Sikhs joined together and because Government wanted to keep that Ministry in power with the help of the official bloc it remained in power in spite of the Mahomedans.

243. Can you refer to any important divisions (one or two will do) in which the non-Mahomedan ministers were opposed by the Mahomedan bloc during that period?—(*Sardar Jodh Singh*): I told you that the Mahomedans did not have that combination. To begin with, the circumstances were these, that the Sikhs were under the influence of the Akali agitation, and they did not support the Government, and the Hindus had among them some Congress members who were pledged to non-co-operation. So those who wanted to co-operate with the Sikh and the Hindu bloc were in a minority. Hence the Mahomedans were the only party who supported the Government as a bloc. But after the Gurdwara Bill the situation changed. The Sikhs also began to support the Government on occasions, and the official bloc had the majority. Therefore the Mahomedans did raise that question once or twice. When Sardar Jogendra Singh was appointed Minister they attacked his Excise policy, but to their surprise they found that the Sikhs, on whose help they counted, would not support them, and they failed. There is one thing more. Chaudhri Chhotu Ram had the support of the Mahomedans. He had no support of the Hindu bloc. The Mahomedans supported him on principle because that bloc contained the majority of Mahomedans.

244. Sardar Sahib, to resume the questions addressed to you, under the principle which you have postulated, that in no legislative council should one community have a majority as against all others combined, how would you distribute the seats in the Legislative Council of this province where there is only one minority and one majority? Would you turn the majority into a minority and a minority into a majority?—(*Sardar Sundar Singh Majithia*): It is not possible.

245. What would you do in these councils?—A question like that does not arise in other councils like the Punjab.

246. So that it is only in the Punjab that you would follow that principle and not in any other province?—Because we have got three important communities here. Take the case of Madras \* \* \*

247. The Mahomedans are, of course, only one party?—The remedy is with the Mahomedan community.

248. I am not asking about the remedy.—In the balance of power they have got the remedy. In some provinces they have a majority.

249. In Madras, you know, again there are three communities—the Indian Christians, the Mahomedans and the Hindus. Would you in Madras give to the Indian Christians and the Mahomedans combined 51 per cent. of the seats in the council?—Do you not count in Madras the non-Brahmins, who are an important community?

250. They are Hindus.—All the same, there is an important division among the Hindus, the Brahmins and the non-Brahmins. You shall have to count them. You cannot possibly avoid counting them.

251. And what would be your situation?—There the Mahomedans, the depressed classes and all others could combine and form a majority.

252. In the United Provinces?—In the United Provinces it is practically the same thing. You have got about 40 per cent., if I am not mistaken.

253. The next question I would like to ask you is this: You say in your Memorandum at page 137, at the end of paragraph 14: "That the Mahomedans can apprehend no such combination against them in the Punjab will be evident from the fact that the Sikhs have hitherto thrown their lot more often with Mahomedans than with Hindus, especially as their interests, as a rural and agricultural community, have coincided with those of the Mahomedans." Would not that show that you have less to fear from the Mahomedans with whom your interests coincide than from the Hindus with whom your interests do not coincide?—What about the special Gurdwara Bill which was forced upon us?

254. If you give me an answer I will tell you that.—A thing might happen like that in certain cases. In the important case that I have suggested here the Sikhs sided with the Mahomedans, but in other cases it may be quite the reverse. Take the case of the Gurdwara Bill. There, of course, the Hindus and the Sikhs made a stand against the official and Mahomedan majority. In spite of that, they were defeated and the Gurdwara Bill was passed.

255. But ordinarily you think your interests will coincide with those of the Mahomedans?—The interests are different. In rural interests we may go with Mahomedans, but there may be other interests as well.

256. I should draw your attention to paragraph 19 of your Memorandum at page 137. You say that the franchise should continue on the same basis as at present?—Yes.

257. You recommend no extension of the franchise?—No; already it is low.

258. The voting strength of the Sikhs, as compared with their population, is very high and should be reduced?—Is that a reason why it should be reduced? It is not a reason at all.

259. Which do you think, universal franchise or a much lower franchise?—What I feel is that at present the people are not taking as much interest in the elections as they should.

260. You are aware that in the elections to the Gurdwara Prabhandak Committee there is universal suffrage for the Sikh community?—(*Sardar Jodh Singh*): Universal suffrage has been given to the Sikhs under the Gurdwara Act, but the result is that in spite of the fact that there were two rival parties engaged in a very keen contest in the last election with an Akali agitation, in spite of the fact that the agitation was there for the last 40 years, and in spite of the fact that the issues were made as live as possible and the franchise simple, it is found that the polling of the votes was only 14 per cent. This shows that when they take so much interest in an issue, even when universal suffrage is not appreciated by the people, and in this case the issue was religious, which every Sikh understands; but to understand complicated political issues it requires a higher standard of education, and we think that that standard has not been reached yet.

261. So that the point, I understand, is this: that for the political education of the people you would seek to exclude the majority of the people from the

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franchise, waiting for the general advance in education of the people? Nothing like that. What I feel is that in the Punjab, if the cream of the society and the best educated cannot yet understand that it is digging at the root of nationalism, and hence at the root of democracy, to insist on special electorates and along with them a fixed majority by law and that majority a communal one, I cannot be very optimistic of the general outlook of the general people who are hence I say that until the pumping of communal feeling the masses have got the right spirit, I do not think there is any use of this pumping peacefully. I wish to draw your attention to paragraph 20 of your Memorandum on page 137. You say: "Under no circumstances should a system of communal representation, whether through communal or joint electorates, be allowed to exist in local bodies, but minorities should have adequate representation on these bodies." How would you achieve that?—Sardar Sundar Singh Majithia: By proportional representation by single voting system.

262. You are aware that the franchise in the local bodies is much lower than in the legislatures?—Yes.

263. Do you think that these people with a much lower franchise would be able to understand the working of the proportional representation?—Yes.

264. Do you put forward the proposition that persons with a much lower qualification than is required for the Legislative Council would be able to properly appreciate the working of the proportional system of single voting, but the same people are not at present fit to exercise the ordinary franchise for the Council?—They are two separate things. The area in the one case is not the same as in the other, and the problems are not the same.

265. Will you explain what you mean by proportional system by single vote? (Sardar Jodh Singh): There are books on the subject, and there is no use of my wasting the time of the Conference on it now.

266. I wish to draw your attention to paragraph 22. You say: "All other subjects, both in the Provincial and Central Governments should be subject to the vote of the division of the subjects may be, whatever the division of the subjects may be, they should all be transferred in the provincial legislature? That is your meaning?—(Sardar Sundar Singh Majithia): Yes.

268. You recommend a second chamber in the provinces?—(Sardar Sundar Singh Majithia): Yes. But if that is going to be very costly, we may not press for it.

269. That is an important qualification. Then towards the end of your Memorandum you suggest that the "Public Service Commission shall, in each province, see that all classes of the population are fairly represented in the services, but the criterion of appointment in all cases shall be merit and efficiency for the work expected to be done." Do you recommend that there should be a certain minimum qualification, and provided that is possessed by the candidates the Public Service Commission shall proceed to make the appointments with regard to communal considerations?—Yes.

270. One of the considerations put forward—I do not want to go into that at any great detail now—one of the considerations put forward by you to which you say special importance should be attached with regard to the Sikh claim, is that the Sikhs were the rulers of the Punjab immediately before the British. Now, would you give special representation on those lines to the British element in the Punjab as soon as you got responsible self-government, on the ground that they have also been and still are the rulers of the country?—I have no objection if you want it and if you think it will work better.

271. Rai Salib Chaudhri Chhotu Ram: Can you give any instances, besides the case of the Gurdwara

Act, which came up for discussion before the Punjab Legislative Council in which religious interests of the Sikhs were concerned?—I do not know if I can give you any such instances without hunting up the records.

272. You cannot recall any instances from memory at present?—There was the Kirpan question and the release of the Gurdwara prisoners.

273. You have stated that the Sikhs have thrown their lot with the Mohomedans more often than the Hindus. Is this not due to the fact that most of the questions that come up for discussion before the Council are of a secular and economic nature, and so the Sikhs have the same interests as the Mahomedans, generally speaking?—Not always.

274. But generally speaking?—The reply is already there. How can you make a differentiation and draw a line. You cannot do so. I do not know what will happen in the future.

275. There is no question of the future. What is the reason which has accounted for the Sikhs making common cause with the Mohomedans more often than with the Hindus in the past?—Do you think the Sikhs are so devoid of sense as not to know how to protect their interests and which way their interests lie?

276. Do you mean to say that their interests have coincided more often with those of the Mahomedans than those of the Hindus?—Not very often. It may happen at any time. It has happened like that in the instances I have given.

277. Are not the Sikhs essentially and pre-eminently an agricultural community?—Mostly they are.

278. And so are Mahomedans?—Yes.

279. Therefore, so far as the agricultural interests are concerned, they are in the same boat?—They have been like that, there is no doubt about that.

280. You have stated that the present distinction between the rural and urban constituencies should be abolished in order that the size of the constituencies might be decreased?—Yes, so that they might become manageable.

281. It comes to the same thing. Do you think that represents the view of the rural Sikhs?—Do you think that the rural Sikhs would not get their representation?

282. That is not the question.—The rural population amongst the Sikhs is there no doubt, and when these constituencies are formed they would have their representation.

283. You cannot say that the rural Sikhs would dislike these constituencies being removed?—These are like these constituencies by whom?—From the Diwan, which is a representative body of the Sikhs.

284. Instructions by whom?—From the Diwan, which is a representative body of the Sikhs.

285. Will you kindly tell me whether it is the Central League which represents the Sikhs better or the Chief Khalsa Diwan?—I cannot give a reply to that. The Central Sikh League has also put forward the same demands that we are putting forward.

286. In respect of the abolition of this distinction?—Yes.

287. They have not made any representations whatsoever?—Not to you.

288. You said that, very soon after Sardar Jogendra Singh had been appointed Minister for Agriculture, the Mahomedan members brought a motion in order to censure him on the question of excise policy. Do you remember whether those Mahomedan members made it quite plain in their speeches that they did not mean all, but that they simply wanted to discuss the policy?—(Sardar Jodh Singh): They did that when they knew they could not censure.

289. When did they come to know of it?—In the lobby discussions the whole thing was plain to them.

290. Was not the very first speech on the motion indicative of the fact that the motion was not meant to be a censure motion against the Minister?—The



honourable member knows that lobby discussions take place long before the resolutions are moved and before the speeches are made.

291. *Raja Narendra Nath*: The Sikhs are, I presume, one consolidated, well-organised body? They are not divided into different castes?—(*Sardar Sunder Singh Majithia*): We do not believe in castes.

292. *Dr. Narang*: The Central Sikh League is also represented on this deputation by Sardar Sant Singh, who is a member of that body?—Yes.

293. And he is present here?—Yes.

*Sardar Sant Singh*: I do not come here on behalf of that body.

294. *Dr. Narang*: It has been stated in the Conference that the Mahomedans will have no objection if the Sikhs wanted weightage, and they may take it from the share of the Hindus. You say, on page 135, that you want to get rid of the tyranny of religious majority. Will that tyranny of religious majority be removed by a partition *inter se* between the Hindus and the Sikhs?—(*Sardar Sunder Singh Majithia*): No.

295. It is also stated that joint electorates, if introduced in this Province, will lead to fights, riots, bloodshed and the dissolution of the whole system of this Province. Do you agree with this view?—That has been the case even in provinces where there is separate electorate.

296. You think the joint electorates will contribute to smooth working?—At any rate we can have a trial in the local bodies and if it succeeds there we can extend it later on.

297. I want to put one question, on which a great deal of emphasis has been laid. I just want to know from you, *Sardar Jodh Singh*, what is the effective majority in the Punjab Legislative Council. Is it the Muslim representation or any other combination, in spite of their being in the majority in point of numbers?—(*Sardar Jodh Singh*): They are the most united single block numerically. Hence, whichever side they cast their votes that side wins.

298. So they are in an effective majority?—Yes.

299. The Hindus are divided into groups?—Yes, the Congress men and the non-Congress men.

300. And also the Rohitakwalas?—Yes.

301. So there are three distinct groups of Hindu?—Yes.

304. *Captain Silandar Hayat Khan*: Do you include Ramgarhia and Ramdasi Sikhs as Sikhs?—(*Sardar Sunder Singh Majithia*): Yes, we do.

305. *Sardar Shivdev Singh Uberoi*: Much of the ground has been covered by the questions put by my friends opposite. I would like you to say something—and I think the members of the Conference would like to know—of the representative character of the Chief Khalsa Diwan, how the Memorandum which is submitted was prepared and so on?—We called a representative meeting of the Sikhs from the different parts of the province and they met together on the 27th of May and discussed the draft Memorandum in that meeting and passed it.

306. So it is the general demand of the Sikh community that is embodied in this Memorandum?—Yes. It has support of the Sikhs Association and also the support of the Sikh League as well.

307. *Sardar Shivdev Singh*: I think it would be interesting for the members of the Commission to know the Diwan's position, when it was constituted and what interest it has been taking in the political and educational improvement of the province.

*Chairman*: I should like to know.

*Witness*: The Chief Khalsa Diwan, which is a registered body under Act 21 of 1874, was established in 1902. It has nearly 100 members. (Singh Sahib) attached to it which are scattered over the different parts of the province. The Diwan has an educational committee of its own to which the majority of the members are sent by the Diwan, but there are other interests also represented on that educational com-

mittee. That educational committee controls nearly 275 educational institutions. These 275 educational institutions comprise 93 secondary schools, 43 high and 50 middle schools, including eight schools for the girls. The schools are managed and run by the local efforts of the Sikhs and they receive grants-in-aid from the educational committee of the Diwan. We have up to this time given nearly Rs. 3,32,226 as grants-in-aid to these different schools. I should not be understood to mean that these institutions depend upon the grant-in-aid that the educational committee gives; but they give them this help besides the money that is collected by local efforts, a substantial amount is also collected in the shape of fees and Government also gives grant-in-aid.

308. *Sardar Shivdev Singh Uberoi*: You have stated about the educational activities, but I would like to know what activities the Diwan has shown in the political advancement of the community and what part it played during the investigation of the present Reforms?—When the Reforms were to be introduced by Lord Chelmsford and the Rt. Hon. Montagu, we submitted, on behalf of the Diwan, a Memorandum on the subject of Reforms, a copy of which we have annexed\* to our present Memorandum to the Commission. Besides that, we took a deputation to the Rt. Hon. the Secretary of State and to the Viceroy in Delhi on behalf of the community, and we discussed the matter with those two high officials. Then we sent a deputation to England comprising, amongst others, two friends of ours here, *Sardar Shivdev Singh* and *Sardar Ujjal Singh*. They went to England and had occasion to meet Sir Sankaran Nair, who was a member on the Advisory Committee in England. The report that these gentlemen submitted also forms part of the annexure\* to our present Memorandum. So you see, in the past we have done our best to represent the interests of the community in the sphere of politics so far as it lay within the province of the Diwan.

309. Do you remember that in that deputation which was sent to England there was one member who was the President of the then Sikh League?—You mean *Sardar Sohan Singh*?

310. Yes.—Yes.

311. Do you think that the demands which have been put from time to time in these memoranda have been met by the Government to the satisfaction of the community?—I am afraid not.

312. One of your demands, I understand, has always been to have a Sikh in the Executive Council of the Viceroy?—Yes.

313. Has that demand ever been met by the Government?—No, not at all.

314. *Dr. Sukhdev*: You have complained of the standing tyrannous majority of the Muslims in the Punjab Legislative Council. Is it not a fact that the standing tyrannous majority of the Muslims in the Council is reduced to a helpless minority in the event of the combination of the Sikhs and the Hindus?—I have said already that many a time things have happened when Sikhs and the Mahomedans have joined together.

315. That I know. But my question is this. You have given examples where on account of combination of interests, Sikhs have joined the Mahomedans in the council, but you have complained of the standing tyrannous majority of the Muslims. As an illustration you yourself have said that when the question of your religious interests was concerned, namely, the Gurmara Bill, the Muslims stood against us, as did the Hindus and the Sikhs on the other side. Is it not that numerically the Hindus and Sikhs combination was stronger than the Muslim-controlled step?—The tyrannous majority? It is a fact that it was the coalition of the Sikhs and the Hindus who were defeated, not by the step but by the majority of the Muslims. If the English had not been there, they were in the majority, even then we would have been defeated.



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316. Even when Sikhs and Hindus were combined?—Hindus and Sikhs were not in favour of the Gurdwara Bill.

317. What I want is the numerical strength, that is, if the official bloc were to remain neutral, cannot the Hindus and the Sikhs combined together reduce the Muslim standing tyrannous majority into minority?—I do not think so.

318. You have said, if I have not mistaken you, that where there are only two communities in the provinces other than the Punjab, the Muslim minority have got a remedy inasmuch as they are in a majority in other provinces. Will you please inform me whether the Muslims are in a majority in any of the provincial legislatures?—Take the case of the Punjab. You are asking for Sind to be separated. We have suffered in the Punjab in our own homes and we have no appreciable interest outside the Province. The Mahomedans would have a compensating thing later on in the other provinces which are being asked to be made.

319. Let me tell you that even in Bengal we are in a minority?—I admit that.

320. You claim a number of seats for the Sikh community in excess of their numerical strength in the Punjab on the same basis as the Mahomedans in Bihar, who are about the same strength numerically as you are in the Punjab have been given representation.

Is not that your point?—Yes.

321. That is on account of your historic importance and loyal service during the war?—Economic importance as well. I will give you an example.

322. I do not want any example. Is it a fact that because certain amount of representation in excess of their population is given to Mahomedans in Bihar you want for the Sikh community similar representation?—What I mean is that for Mahomedans special representation was conceded by the Montford Report, and we were promised by two responsible officers of Government consideration on the same lines. We have been pressing for that consideration all this time, but it has not been conceded.

323. If you get your concession, you do not mind the Mahomedans of other provinces getting similar concession?—I will not mind at all.

324. You also will not mind if in Sind, Delhi and North-West Frontier Province similar protection is given?—No. We only want that we should have some protection.

325. What is the protection you want? You simply say you want "similar representation." Do you want separate electorate?

Sardar Shivdev Singh Uberoi: What my friend Dr. Suhrawardy wants to know is whether by separate electorate or by joint electorate you want reservation of seats?—By any method that could be devised for us. If you want that the method should be suggested by us we will do so.

326. Sir Hari Singh Gour: You have been five years a member of the Executive Council. What is your view, has the growth of communalism in the Punjab become more acute since the advent of the Reforms than it was before? Do you think that since the introduction of communal representation, communal tension has grown?—Naturally, it has grown. Am I to give the reply as a late Member of the Executive Council.

327. Chairman: No, no. I do not think the question was asked for the purpose of getting from you what may be called an ex-official view. It was merely introductory, to call attention to the fact that you have been much interested in politics in the Punjab. The question, if I may say so, is a very good one. It was really put in two forms. I would prefer the first form. What he is asking you is whether in your opinion, since the introduction of the Montford Reforms, the communal tension in this Province in the political sphere has increased?—Certainly it has.

328. Sir Hari Singh Gour: Is it due to the introduction of separate communal representation in your Province?—Well, at any rate I cannot say that it has smoothened the spirit.

329. The point I wish to ask you, Sardar, is how far in your opinion the introduction of separate electo-

rates has contributed to the growing tension between the various communities?—It has accentuated to a certain extent.

330. Has the growth of communal tension been conducive to the lowering of efficiency in the services?—Certainly, there is favouritism.

331. Has it also prejudiced the determination of public questions in the local legislature?—Take the case of admission into the educational institutions; it has been done on communal lines. Whether the community requires protection or not I cannot say, but things like giving more jobs to certain communities which are not well represented has brought about this tension.

332. You mean to say that the various communities try to put in their own candidates and nobody thinks about the State or the nation?—At any rate that has been so in the Punjab.

333. You have said that if communal representation is abolished you are prepared to sacrifice the interests of your community in favour of the larger interests and nationality?—Yes, provided it is removed from the country as a whole.

334. Of course, you have said that. Are you prepared to do that not only as regards communal representation in the legislature but also communal representation in the services?—When that spirit of nationalism comes in the country as a whole these things would go, but as long as we are hidebound by these different communal considerations you cannot expect one community to sacrifice for the sake of another. If it is removed from the whole country we are prepared to stand on our merits.

335. Mr. Hartshorn: Including the services?—Yes.

338. Sir Zulfiqar Ali Khan: I should like to know your view, Sardar Sahab, about the origin of communal riots. Whether it is due to separate electorates or whether it is due to any other causes?

Chairman: What date are you taking about the origin of communal troubles?

Sir Zulfiqar Ali Khan: Since the inception of the Reforms, i.e., 1922.

339. Chairman: Let me put the question myself. What is your view, Sardar Sahab? There have been, unfortunately, on occasions very serious outbreaks in this part of the world, let us say, within the last seven or eight years from time to time. The question put to you by Sir Zulfiqar is whether you think that those unfortunate outbreaks have been—I think he suggested—caused by communal representation?—Take the case of the riots that took place at Amritsar in 1919. There was no communal representation at the back of it; political teachings and all that sort of thing were there. But take the case of the riots in Multan. There was certainly Mahomedan feeling against the Hindus and the Sikhs. So I cannot say that all riots are caused by communal representation.

340. Chairman: Communalism and communal representation are quite different things. As I understand it communalism is a state of tension, of mutual suspicion or mutual antagonism between different communities. The question is, do you think that that situation was aggravated by the fact that there were communal electorates?—(Sardar Sundar Singh Majithia): I think, sir, they helped to fan them to some extent.

341. You think they helped to fan the flame?—Yes.

342. Sir Zulfiqar Ali Khan: Do you think a system of joint electorates will remove that tension?—It may do so. I cannot prophesy for the future.

343. For example, between two Sikh candidates standing for election, does not that very spirit of rivalry between the two Sikh candidates create bad feeling between them?—What is happening in the district boards just at present?

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344. I want to know as between Hindus, Sikhs and Mahomedans.—At any rate, a Sikh candidate will have to get the support of Mahomedans and Hindus as well to get elected.

345. That is merely theoretical?—The other side is theoretical, too.

346. You say that the Sikhs made sacrifices in the cause of the Empire and therefore must get something in excess of their due share. Do you not think that Mussalmans and Hindus have also sacrificed in the Great War?—Comparisons are always odious, but take what we have done, and we base our claim on that.

347. Others have also done the same thing, but they are not wanting more than their shares.—They are asking for 55 per cent.

*Sir Zulqar Ali Khan:* On the population basis.

348. *Sardar Shirdex Singh Uberoi:* Every community has rendered service in the last war, but what my friend the Nawab Sahib wanted to make clear was the extent of help given by each community.—Well, sir, if you study the speeches of Sir Michael O'Dwyer at the time that will make the point very clear. Sir Michael O'Dwyer gives the figures of the different communities recruited during the war. Please see what he says. I need not say anything more.

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My argument is this. In Bihar and Orissa you have got only two communities to consider, whereas in the Punjab you have three communities to consider. Therefore you cannot very well lay down a formula which would apply equally in the other provinces. Our case is a special one.

20. At any rate, you do not dissent from my figures?—I do not dissent from them as they stand. You see—

21. I shall just ask you two other things. You see this is another point which is in the mind of some of us. In the district boards of this Province there is no communal electorate. Is there?—In regard to that, of course, my friend (Sardar Jodh Singh) just told me that there the constituencies are manipulated in such a way. . . .

22. Don't let us use question-begging words. But what you mean is that in the district boards you consider that the boundaries are so arranged as none the less to produce a particular result? That has actually happened, sir.

23. And I think that the particular thing you were disposed to suggest was that they were so arranged as to benefit the Mahomedans?—That is my contention.

24. If I take the district boards and try to find out how many seats the Sikhs ought to have if the right number is to be got at by taking an average between their population and voting strength, I find that the number that they ought to have is 141?—Yes.

25. Do you know how many they actually have?—Not the exact number, Sir. It is 186. I have got it here at

26. I will tell you. It is 186. I have got it rather page 142\* of the Blue Book, and I see that it is rather a striking fact. Is that not so where the Sikhs have got no communal electorate?—But has it not been, Sir, mostly in the central districts?

27. Would you give me an explanation for that? If I understand the facts rightly, it seems rather a striking fact in the district boards, where there was no communal electorate and where, as a matter of fact, you are disposed to think that the boundaries of the constituencies would rather favour the Mahomedans, it looks as though the Sikhs would, in fact, get in, no doubt, on the strength of their authority and influence in the district. They are occupying 186 seats, against 141, according to what is called the formula?—

28. But the formula was not applied at all?—In the district board, sir, the manipulation has been done in such a way as to give a larger number of seats to the Mahomedans now than they themselves ought to have had.

29. Notwithstanding the fact that, in your view, there has been such an artificial arrangement as to favour the Mahomedans at the expense of their rivals, none the less the Sikhs have secured 186 seats, whereas on what is called the formula basis, they ought to have had 141. That rather makes me think that at any rate in the district boards the Sikhs are able to hold their own?—Yes, they have been able to hold their own here because in the central districts they were the chief factors who were represented on the district boards before.

30. Can you tell me offhand and speaking quite generally which community is it in the district boards that has in this result had to give way, as it were, to the Sikhs? You said that the Mahomedans got a very good deal. It must be the Hindus then?—I cannot say anything offhand. The possibility is that Hindus had not had so much landed interest to safeguard, and therefore, they were not so much represented.

31. I have only one other question to put to you and I want to put it clearly, and then I hope we may be able, for the afternoon, to pass from the communal argument, which, after all, cannot occupy the whole of the political and public interests of a very great country. You were asked by my friend Sir Hari Singh Gour a question just before we broke up. He

argued thus: He said: "Did you think that communal electorates were the cause which had increased communal tension and even riots and violence in recent years?" I understood it aright—you thought that it if I have understood it aright—that is what I thought, Sir. Had contributed?—That is what I thought, Sir.

32. Do you think that this has anything to do with it, that the position was that in previous times, when the prospect of a rapid advance to more self-government seemed very distant, the different communities were less prepared to try and get full political representations for their own special case, and do you think that in recent years, when the prospect was opened out of constitutional advance, the different communities are becoming increasingly eager to (what I say call) dig themselves in before the later stages are reached? Do you think there is anything in that?—Quite right, Sir. That may be due to it. But all the same previous to the pre-Reform days we had in this country no legislative council as now, and the administration in municipalities and district boards was carried on by Government officials. The people did not take so much interest in those Westernised institutions before as they are taking now.

33. I am just following out your line of thought, and it seems rather to confirm what I have suggested, that in those days communal feeling in connection with politics was less important because, even if you did not get your co-religionist returned, he had not much opportunity to influence political action?—Quite so.

34. And now he has more opportunities to influence political action?—Not only that, Sir, but even the principle now followed in regard to the representation in different services has accentuated it too.

35. Because you mean that, if you get what you regard as an adequate representation of your community in the legislature, that, in its turn, enables increased pressure to be exercised with the object of securing what you regard as adequate representation in the services?—Yes, Sir.

36. And so the wheel goes round?—Not only that, Sir. We cannot drive out from our minds what we were before in this Province.

37. Who were the last rulers of the Province before the British?—The Sikhs. The fact is we cannot afford to be relegated to the position of being dependent on other communities.

38. It is rather striking and, in all circumstances, not a very encouraging fact that, when we had the deputation from the Hindu party yesterday morning, the spokesman expressed a strong view that, unless there was a complete abolition throughout India of communal representation, they would go so far as to say that they did not want any constitutional advance. Yesterday afternoon we had a very strong expression of view from the mouth of Sir Muhammad Shaif. I do not say insisting, but at any rate very powerfully and emphatically demanding that the joint electorates should not be substituted for separate electorates. Now I see, in the Memorandum of the Sikh deputation, on page 137: "The Sikhs, therefore, while they welcome an extension of the system of responsible government, feel that any extension that may be decided upon should be accompanied by the removal of circumstances adverse conditions, and, if these latter cannot be removed, they feel that no radical extension of the present system will be useful to the country. It would merely extend the area of mischief." Now tell me, what do you mean by that sentence, "By the removal of circumstances adverse conditions"? Do you not think, if I may make a suggestion, that every community in this Province must really do its utmost—I do not lecture, but I merely make a suggestion with the greatest humility—to cultivate a spirit of give and take?—Certainly, that is what we want, but I do not want it at the risk of depriving the Sikh community of their legitimate rights, as has been done by the Nehru Committee.

39. Lord Burnham: I wish to ask you one question with regard to the report concerning the Sikh deputation which went to England in 1920. I see great disappointment is expressed at the failure of that

deputation owing to accidental circumstances to achieve its ends. They arrived late. That is all set out, and they were not satisfied with the one additional member or two. Could you tell me what else they expected?—What happened at that time was that we got practically two members and one member by nomination, making three in all, and three members were given to the Mahomedans. Our deputation demanded proper representation, that is, proportionately to our community. But our friends benefited and we do not grudge them; but still we felt that we had not been dealt with adequately and the promises held out to us by the responsible officials, that is, the Right Honourable the Secretary of State for India and the Viceroy of India, have dwindled down and they were not fulfilled.

40. It is set out here, and I have no means of testing it, and I have no doubt it is true, that Lord Selborne, who received the deputation as chairman of the Joint Committee of both Houses of Parliament, said, I think—I am not quite certain—that it was too late to make the amendment that you asked?—Yes, that is what he said.

41. You do not think you had a fair hearing on that occasion?—We had no fair hearing, and we were told at that time that our claims would be duly considered on the next occasion. Now is that time, and it is in your hands to give us.

42. Do you mean as a community to be represented in England when the Joint Committee of both Houses considers any proposals that are made?—If a Committee is appointed there to consider this question we shall be delighted to represent our case.

43. I have no power to invite, but I ask you whether you mean to go?—Certainly, we shall be delighted to go, if occasion arises, to press our claims.

*Sardar Shidee Singh Uberoi:* If I am permitted to say a little on this matter as I happened to be one of the members of the deputation, I may say it was then stated by the responsible authorities, the Right Hon. the Secretary of State and the Viceroy that the case of the Sikhs was quite just, but they feared it was not the time when the whole question should be considered.

44. *Major Atter:* On page 137, paragraph 17, of your Memorandum you say, "No member of the permanent services of the country should ever be appointed as Governor." Where do you think the Governor should come from?—From England, and later on from this country itself.

45. In the next sentence you say, "Ministers should always be chosen so as to represent the various elements constituting the legislature." By "element" do you mean communal elements or political elements?—We are dealing particularly with our province and we cannot get rid of the idea of the different communities being represented on the Legislative Council.

46. Do you not realise that that means you cannot have in this province a parliamentary system such as we have it in England, because you do not provide for an opposition, which is quite an essential thing?

—Not under the present circumstances. How can you possibly have it when the system of election is on communal basis and when even the appointment of ministers and members is on a communal basis? You can have that possible only when the majority of the House have a Prime Minister and the Prime Minister selects his colleagues. Then there will be an opposition which will take office when called upon to do so. But that could not be had here under the present circumstances. It is not possible for us to have a chief minister who will select his colleagues.

47. But the difficulty is, you want joint responsibility?—Yes.

48. That would mean a homogenous body of ministers. On the other hand, you want ministers to represent different communities?—But still ways and means could be found to make it homogeneous. What did you do in the case of the Coalition Government when Mr. Lloyd George formed the Ministry?

49. I do not cite it as a good precedent. But apart from that the point is, you are trying to adapt certain Western institutions to this country, and in this paragraph 17 you put forward two proposals that seem to my mind to kill the idea of a complete representative system. Do you not think that the time will come when the present conditions will go?—But as long as the present ideas are there we cannot have anything more than we suggest. But we welcome a suggestion of the nature you have indicated. When we get rid of this communal problem, as we hope we will, then we can think of that.

50. The interim period is a little difficult?—Yes. (*Sardar Jodh Singh:*) I may say that along with that proposal we have another proposal that, if in the Constitution you do away with the communal electorates, then we agree to the principle which you have suggested. Our present proposal is only a kind of solution to meet the present difficulty. When you have got your members elected on a communal basis you cannot select a man who represents the whole community, because he has been elected by one community, and by no stretch of imagination can you call him to be a representative of all the citizens. As things stand at present, we must yoke together people of several communities and ask them to find a way out of the difficulty by way of compromise. After all, it is a question of give and take.

51. *Lord Strathearn:* Who was the first Indian member of the Executive Council of the Punjab Government after the Montford Reforms?—I happened to be the first member.

52. I only wanted to be quite certain. In paragraph 16 of your Memorandum, on page 137, you indicate your desire for full independence in the Province subject to the control of Central Government in matters pertaining to the defence of the country, etc. Then you refer to internal commotions. Does that mean that you do not favour the handing over of law and order in the Province, but you would like to devise some authority under central control for law and order?—It follows.

53. That is your desire?—Yes.

## Memorandum submitted by the Punjab National Unionists Party.

1. This Memorandum represents the views of the National Unionist Party of the Punjab Council. The strength of the party is 36.

It is not intended to deal in this Memorandum with all the topics set forth in the Commission's invitation for memoranda. Nor is it intended to discuss in any great detail even the topics which have been selected for immediate treatment. The object of the present Memorandum is to convey the general views of the National Unionist Party on certain important topics as early as possible to the Commission.

It is also felt that before any specific questions are touched a brief reference may be made to a few circumstances about which it is well to have a clear conception while approaching the question of constitutional development.

### *India's Attitude Towards the Commission.*

2. The first point which comes uppermost in one's mind in this connection is the varying attitude adopted towards the Commission by the various sections of the Indian community. This attitude has two aspects, outer and inner. The outer aspect is represented by the bitter hostility of one section and the willing co-operation of another. The inner aspect is marked only by a difference of degree, and not of kind. All those who take an intelligent interest in the subject of the Commission share a common feeling of disappointment and resentment at the exclusion of Indian element from the personnel of the Commission.

The reason for this resentment is obvious. All Royal Commission appointed in the recent past to enquire into any question of importance have contained an Indian element. The exclusion of Indians from a Commission which is to conduct an enquiry into a question of the greatest moment to India's future as a whole could not fail to evoke the keenest resentment.

The time for the announcement of the Commission was not well chosen either.

Repeated earnest demands when made by the representatives of the people for hastening the appointment of the Statutory Commission had failed to evoke any response from the Secretary of State. When the demand had ceased the announcement of a Commission came and coincided with the existence of a strong wave of communal tension in the country. An announcement of this character at such a time was likely to be viewed with misgiving and distrust. The exclusion of Indians from the Commission tended still further to confirm the suspicions of the people.

The explanation for this exclusion that no Indians acceptable to the whole of India were available, and that the inclusion of Indians would have excluded the chance of a unanimous report, does not carry conviction. Human nature being what it is no one individual, even no set of individuals, would be acceptable to a whole country in any part of the world. Are there no men in England who criticise the personnel of the present Commission? Will the members of the committee which the Legislative Assembly has been invited to elect be acceptable, individually or collectively, to the whole of India? What could reasonably be insisted upon was a substantial measure of agreement among the people with regard to Indian members, and as this substantial measure of agreement is expected to be indicated by a vote of the Assembly in the election of committee the same measure of agreement could have been achieved by the adoption of a similar method in the choice of Indian members on the Commission. The part of the explanation relating to the solicitude of the Secretary of State for a unanimous report instead of explaining anything has the effect of mystifying the situation still further. In fact, it places the Commission in an embarrassing position. Has the Commission promised to produce a unanimous report? If not, what does this part of the explanation mean?

The detractors of the Commission can base every plausible argument on this explanation to prejudice an average Indian against the Commission.

### *Communal Tension.*

3. A very strong wave of communal tension has swept over the country during the last two or three years. This wave was the result of a reaction against the unity brought about in the palmy days of non-co-operation. That unity did not rest on very solid and reliable foundations. For three or four years common hatred for a third party had been preached violently from the Press and the platform and our unity was built on the foundation of that common hatred. Before the leaders of the people had had time to substitute a foundation of better material, e.g., a clear perception of common citizenship and of common secular and political interests, the crash came and the pendulum swung violently to the other extreme. The communal tension, however, affected almost exclusively the urban section of the people, who, after all, constitute only ten per cent. of the entire population. The communal virus did not spread to rural areas, where mutual relations of Hindus and Muslims continued to be marked by toleration, good will and even cordiality. Another encouraging feature was that excesses were everywhere committed by ignorant and irresponsible individuals, the very scum of society. A further cause for gratification is that men of responsible position were not wanting who openly and strongly denounced the mad acts of their own co-religionists. The very nature and extent of excesses, deplorable as they were, serve to rouse the conscience of the people. In fact, the revulsion of feeling caused by these excesses is so genuine, so keen and so widespread, that it may be said with confidence that the tide of communal bitterness has definitely turned.

### *The Indian Press.*

4. In all civilised countries the Press is supposed to discharge two main functions, that of reflecting public opinion and that of moulding and guiding it. The Press in India may be said to discharge, more or less, the same functions. But there are two or three factors which distinguish the Indian Press from the Press of an ordinary Western country, and as the trend of Press comments is likely to be watched by the Commission and in some measure to influence its judgment, it will not be amiss to draw attention to these distinguishing features. The English section of the Press is divided into two parts, that owned or managed by Europeans and that owned and managed by Indians. The European-managed section will, generally speaking, be found to be either luke-warm or hostile in the matter of extension of reforms. This section is a champion of the permanent service and European capitalists, and views with cautious concern or disfavour any further political advance. The Indian-managed section of the English Press is frankly communal. There are just a few papers, a mere drop in the ocean, which keep their general policy untainted by a spirit of communalism. But the whole host of the rest are either frankly and avowedly communal or communal in spirit with a thin veneer of nationalism. Another feature of the Indian Press is that it is entirely manned by men of urban extraction both among Hindus and Muslims. The net result of this is that while urban interests receive ample attention and protection rural interests remain unnoticed and uncared for.

### *The Real India.*

5. The real India is not the India of the Press nor the India of the town. The real India is rural India, where ninety per cent. of the Indian population reside and sweat and toil to earn a precarious living. The humming streets of Calcutta and the buzzing quarters of Bombay are no indications of true Indian life. The

stately mansions of these cities give no clue to the actual economic conditions which prevail in the country-side. The cultured and well-dressed gentleman of Delhi or Allahabad is a phenomenon unknown in rural India. The well-appointed roads and gardens of Amritsar and Lucknow find no parallel in villages. The palatial public buildings in large towns are mere symbols of self-complacent human vanity which refuses to see beyond its nose. The real India is ill-fed, ill-clad and ill-looked after. It lives in miserable huts. It is served by very few good roads, schools and hospitals are few and far between, and ordinary amenities of civilised life are practically non-existent in rural India.

#### *Bureaucracy's Stewardship.*

6. The Indian bureaucracy generally claims to be the sole trustee of the masses. But it has not a very good account to give of its stewardship. The urban intelligentsia is frequently twitted by bureaucrats for its neglect of care of rural masses. The charge against the urban intelligentsia may not be incorrect substantially, but what about the charge against the bureaucracy itself? Has the bureaucracy, which receives handsome salaries for an efficient and equitable discharge of its duties, done justice to the claims of rural India? The reply is an emphatic negative. The bureaucracy has listened only to the clamorous townsman and patted and hugged him in entire oblivion of the fact that the real India, i.e., rural India, is being neglected and starved in the interest of only 10 per cent. of the general population. It is true that since the inception of the Reforms popular ministers, particularly in the Punjab, have turned their attention to rural interests, but the beginning that has been made is all too moderate and, unless vigorously and consistently followed, cannot yield any very substantial and permanent results.

#### *Separate Communal Representation.*

7. One of the most important problems which has excited a great deal of heat and controversy, and which the Statutory Commission will have to decide, is the question of separate communal representation. In general, the attitude of the National Unionists towards this question may be summarised as follows: If the communities principally concerned are able to reach an amicable settlement on the main points of their difference and decide in favour of joint electorates, our party will welcome such a decision. But if these communities fail to arrive at a mutually acceptable settlement separate communal electorates will be absolutely necessary as a safeguard of the rights of minority or backward communities. It has sometimes been stated that, under the present system, the members selected are more likely to have a communal outlook and are under no particular obligation to respect the susceptibilities of the communities to which they do not belong, and that if they were to be elected by a joint electorate they would have to bear in mind the sentiments of all the sections of their voters equally. The necessity of appearing before the bar of a joint electorate at each successive election will, it is asserted, be an effective remedy for the development of any marked communal bias in individual members. But while all this may sound plausible the other side of the picture cannot be ignored. The existence of communal feeling is a stern reality and while this feeling exists in any appreciable degree elections will run on communal lines even if the electorates are joint. This being so, the communities which are better educated and have a more powerful Press will sweep the election booths. That this danger is no mere illusion but an undeniable and actual reality is borne out by the election results of district boards and those municipal committees where electorates are joint. Nominations to redress communal inequalities which result from joint elections are no remedies. Voters are entitled to have representatives of their own choice, and this privilege of voters should not be

lightly disturbed by having resort to nomination. Another serious disadvantage of joint electorates under existing conditions will be increased communal bitterness as a result of election campaigns. At present the contest is between candidates of the same community and there is no occasion for appeal to common passions. Under a system of joint electorates candidates from various communities will find themselves arrayed against each other and the whole countryside will be convulsed from end to end by appeals to the worst communal passions for months together. This will mean a very serious extension of the scope and area of communal bitterness. At present there are only occasional outbursts of communal feeling in the Council Chamber or the Press on the part of persons more or less educated. Communal contests during elections will directly affect vast areas at a time and this will draw into their vortex the most ignorant and easily excitable elements of the population.

The general situation having been briefly surveyed, a few specific questions may now be taken up.

#### *The Representative System as Applied to British India.*

8. (a) *The Basis of the Franchise.*—The present basis of the franchise is very narrow. The vast bulk of the population goes unrepresented while the representatives of a microscopic minority are supposed to voice the true feelings and sentiments and safeguard the interests of India as a whole. The basis of the franchise requires to be widened very substantially and to be so adjusted as to give to rural India a representation commensurate with its stake and importance. The Assembly, as at present constituted, is a packed body, entirely dominated by urban elements. While ninety per cent. of the Indian population resides in rural areas the number of the members of rural extraction in the Assembly will be found to be in inverse proportion to the rural population. The burden of taxation also falls mainly on the rural population while the disposal of the proceeds of taxation rests with the urban people. The supreme obligation of citizenship, namely, the finding of men in the time of war is also practically exclusively discharged by the rural population, but their voice in the chief legislative body of the country is very feeble. To remove this defect it is essential that the franchise should be materially liberalised in favour of the rural population. This can be done by lowering the land revenue qualification to a greater relative degree than property qualification in towns. A further device is to enfranchise all members of village panchayats, all office bearers of co-operative credit societies in rural areas and all holders of His Majesty's and the Viceroy's commissions among retired military officers. In the case of landowners the franchise should be lowered to people who pay Rs. 10 as land revenue annually. All rural tenants who occupy land paying Rs. 25 as land revenue annually should also get the franchise. [The man occupying such land will himself be actually paying only Rs. 12-8 per annum, the other half being paid by the landlord.] In urban constituencies the rent qualification should be lowered from Rs. 96 to Rs. 72 annual rent and similarly the ownership franchise should be lowered from persons now owning property worth Rs. 4,000 to Rs. 2,000. Separate urban and rural constituencies should continue, and all towns with population of 5,000 or above to be included in the urban constituencies. The number of non-official members of the council should be increased to 125. This will decrease the size of constituencies and thereby create a closer touch between the member and his constituents. Nomination of non-official members should be altogether done away with.

(b) *Methods of Elections.*—Election by a direct vote as now should continue, but a certain proportion of the members of the Assembly should be returned by the members of provincial councils.

## MEMORANDUM BY THE PUNJAB NATIONAL UNIONISTS PARTY.

[Continued.]

(c) *Methods whereby Particular Interests may obtain Adequate Representation.*—In the absence of a clear understanding reached and approved by the communities concerned separate communal electorates must continue.

The representation of special interests, such as industries, commerce, universities, landholders, labour and depressed classes through the creation of special constituencies is not desirable. These interests are sufficiently represented by members returned by general constituencies. The scope of special representation should be confined within as narrow limits as possible. The creation of special constituencies is a stumbling block to the growth of nationalism. But wherever it is found essential to give representation to any special interest the representation should be secured through election and not nomination.

(d) *The Relationship between Representatives and Constituents.*—This relationship, in the case of the members of the Assembly, is, generally speaking, very intangible. The constituencies are so large in area that it is not practicable for a representative to maintain any real touch with his constituents. But in the case of provincial councils the relationship between representatives and their constituents is real. The area of the constituencies, though large, is not altogether unmanageable in the case of most constituencies. During an election campaign the candidate has (where the contest is keen) to make a series of rounds of visits, and has to address public meetings, and distribute posters and other literature to show why he should receive the confidence of the constituency. Where, however, the rival candidates are uneducated the election campaign consists of various parties of their supporters going about in the constituency. After the election is over the touch between the representatives and their constituents is maintained. The constituents know that they have a claim on the attention and help of their representatives, and, not unoften, assert their claim by bringing forward their grievances to their representatives and asking them to take steps for redress. There is, on the whole, a real and living touch between the representatives and their constituents unless the representative hails from outside the constituency.

(e) *Nomination of Officials and non-Officials.*—Representative institutions lose their real value and significance if their decisions are influenced by officials and their proteges. The nomination of officials and non-officials as additional members of elected bodies only serves the purpose of emasculating those bodies, and, if it is intended to give full life and vigour to elected bodies the nominated element should be entirely eliminated.

#### *The Provincial Government.*

9. (a) *Working of Dyarchy.*—Dyarchy is a difficult system to work. Government should be one organic whole, imbued with the same ideals and sentiments, having a common policy, a common responsibility and a common allegiance. Under dyarchy the case is entirely different. The organic whole of Government has been cut up into two, the Reserved half and the Transferred half. The Reserved section is responsible to the Governor-General in Council and the Secretary of State for India. The Transferred section is responsible to the Governor as well as the Council, and has thus a dual allegiance. The ideals and sentiments of a popular and responsible Government cannot be expected to be the same as those of bureaucratic and irresponsible Government, and, therefore, an element of friction between the Reserved and Transferred sections is inherent in the system of dyarchy. The Ministers, being responsible to the Council, are supposed to carry out the policy that appeals to the popular house, but being also responsible to the Governor, and holding office during his pleasure, they are also expected so to frame their policy as not to come into direct and open conflict with the views of the Governor. Thus, the Ministers find themselves in an awkward position, and, in their attempt to reconcile the claims of their

conflicting allegiance, are compelled to steer a middle course which may, according to the temper of the times, please both sides or displease both sides.

Difficult and delicate as the task of the Ministers is, given mutual goodwill and co-operation on either side, and given a reasonable council willing to recognise the difficulties of the situation, the system of dyarchy can be made to yield good results. But it must be conceded that these good results are not due to the merits of the system, but flow, in an attenuated degree, in spite of its defects, from the constant exercise of tact, forbearance and patience and from a determined will to work a difficult system.

Dyarchy in the Punjab has worked better than in any other Province of India, and the progress made by departments under the control of Ministers is very remarkable and gratifying. But this result is due to a rare combination of circumstances. The two Governors who have held the chief executive charge of the Province during the post-Reform period have been exceptionally far-sighted men, who seem to have decided to follow a policy and a programme which will be of direct and obvious benefit to the people. The majority of members of the council are drawn from landholding and rural classes, and are more practical, more level-headed and less noisy and less sentimental than their urban brethren. There has been a greater readiness on the part of the Governor and his Ministers to appreciate and recognise the difficulties of dyarchy, and to minimise and overcome these difficulties by exhibiting greater mutual sympathy and co-operation than have fallen to the lot of other provinces.

But the rare combination of favourable circumstances referred to in the preceding paragraph cannot be expected to occur in every province or at all times even in the Punjab. Therefore, a system like dyarchy—which is inherently defective—should be abandoned and full provincial autonomy should be introduced in its place.

(b) *Position and Powers of Governor.*—The position of the Governor under the Government of India Act is supreme, and his powers are very wide. He is, to all intents and purposes, a perfect autocrat. He is not responsible to the legislature, and his responsibility to the Governor-General in Council is merely nominal. He can disallow any question or any resolution. He can veto any Bill passed by his council. He can certify any expenditure disallowed by the council, and can certify any legislation rejected by the council. No private Bill can be introduced except with his consent. He can direct any Minister and dismiss him when he wills. He can direct any action to be taken by his Ministers or Executive Councillors. He is the sole arbiter in matters in which there is a difference of opinion between the Finance Department and a member of his Cabinet. He is also the final authority in matters in which the head of a department or a secretary differs from his Minister or Executive Councillor. There is no statutory obligation that the position of the Governor should be that of a constitutional head and not that of an autocratic ruler.

(c) *The Position of Ministers in relation to the Governor* is virtually that of complete dependence and subordination. In the absence of any statutory provision in this behalf the Governor is free to appoint whomsoever he likes as his Minister, and can maintain him in office with the help of the official and nominated non-official block in the council. Further, the Ministers hold office during the pleasure of the Governor. Whenever the Ministers differ with the Finance Department, their secretaries or heads of departments and commissioners serving under them the last word rests with the Governor. All these factors make the position of a Minister in relation to the Governor one of complete subordination.

The position of Ministers in relation to members of the Executive Council is, in theory, one of equality. But as members of the Executive Council are appointed under a Royal Warrant and are not removable by the Governor, they are generally considered to hold a more honourable and better-respected position.

(d) *Relationship of Ministers to each other, and Question of Collective Responsibility.*—The principle of collective responsibility has not been formally recognised in any province. The practice in Madras seems to have been in consonance with this principle. The formation of the present Ministry in the Central Provinces also appears to have proceeded on the same principle. The second Ministry of the Punjab was based on the same principle. But, speaking generally, the principle of joint responsibility has not been followed.

Each Minister is in charge of separate groups of departments, and is not required to act in consultation with his brother Ministers. He is free to act independently, and follows his own policy and programme without reference to the remaining Ministers. Individual members of the Ministry need not have common views, and may even have diametrically opposite views on important questions and vital principles. The present Punjab Ministry is a case in point. One of the three Ministers belongs to no party. Another represents the Hindu Sabha Party in the Council and the third represents the National Unionist Party. These two parties hold entirely different views, and there is hardly any question of importance on which they can see eye to eye with each other. In fact, a glance at the proceedings of the Punjab Legislative Council will convince the most casual reader that the debates of this Council are one unending record of the conflict of views held by these two parties. On all questions of vital importance, political or economic, the two parties hold views which are nearly irreconcilable. The Punjab Land Alienation Act, Pre-emption Act, and the Moneylenders Bill have all been the subjects of the keenest and most bitter controversy between these parties. The distribution of the burden of taxation, the distribution of patronage, the methods of recruitment to public services, the question of communal or class representation on self-governing bodies or in public services, the distribution of the beneficial activities of Government have, whenever they have formed the subject of debate in the Council in any session, invariably found the two parties arrayed on different sides. In fact, these two parties are the nearest approach (in the Punjab) to capital and labour in the West.

That the ministers should have a collective responsibility is obviously just and essential. They should act together and should stand or fall together. They should have common views on all important matters, and should follow a common policy and programme, drawn up in consultation with one another and approved by their party. They should all be drawn from the same party and owe a common allegiance. One minister drawing his support from, and owing allegiance to, one party and another minister drawn from, and owing allegiance to, another party is a travesty of representative government.

(e) *Growth of party system in the Provincial Councils.*—How far party system has sprung up in other provinces is difficult to say. In the Punjab a genuine beginning of a party system was made when the second ministry was formed. There were three groups in the Council: (a) the Nationalist Group, consisting of most of the Sikh members and Khilafatists; (b) the Hindu Sabha Group, consisting of Hindus of urban extraction and urban sympathies, and (c) the National Unionists Group, consisting of men of rural extraction and rural sympathies, irrespective of caste and creed. The National Unionists Party was the strongest in numbers and included men of all faiths, Hindu, Muslim, Sikh and Christian. The outstanding feature of their policy was the advocacy of the rights of backward classes and areas.

Both the ministers were drawn from this party and acted in harmony and in consultation with each other.

The arrangement worked well and efficiently, but gave deep offence to the urban section of the population which, having grown accustomed to a monopoly of all power in the past, suddenly found

that power slipping from their hands. This was more than they could tolerate, and being in possession of practically the whole provincial press they set up a tremendous howl and continued their loud wail until one of themselves was appointed a member of the present heterogeneous ministry. Government yielded to the clamour of the urban press, and, in order to silence a venomous section of the population, appointed a minister, a gentleman who has the active support of only 17 out of a total of 71 elected members. This could only be possible in a constitution which does not insist on ministerial joint responsibility. This leads to formation of ministries where ministers cannot depend on receiving support from the friends of each other in various parties who are always free to oppose any item standing in the name of a minister other than the one belonging to their own party. Surely no ministry could be weaker than the one formed on these bases.

Party system is an essential concomitant of representative government, and if it is intended to introduce representative government in this country Government should do everything in its power to encourage the growth of a party system.

(f) *Classification into Reserved and Transferred Subjects.*—Subjects entrusted to the care of ministers are designated as transferred subjects while the rest are known as reserved subjects. To divide the field of government into two water-tight compartments is wrong in principle. All the departments administered by a local government are so bound up with each other and the administration of one department reacts on that of another so closely that the classification into transferred and reserved subjects is highly artificial and even mischievous. Another defect of this classification is that almost all the earning departments are under the control of Executive Councils and most of the purely spending departments have fallen to the share of ministers.

(g) *Desirability of Second Chambers.*—Second Chambers are not at all desirable. They will prove a reactionary institution and will always be viewed with suspicion and distrust. They will also be expensive. In view of the power of veto possessed by the Governor no Second Chambers are needed. Moreover, in the Punjab Council most of the members come from landholding class and these classes are conservative by instinct.

(h) *Question of Provincial Autonomy.*—Provincial autonomy should be granted to all the major provinces. Indian ministers have administered their departments with tact, patience and judgment. Efficiency has not suffered, and more progress has been made in transferred subjects than in other subjects. The pace of progress in the post-reform period has been quicker than in the pre-reform period. Where the departments of Finance and Law and Order have been made over to Indians they have been administered with equal success and efficiency. The experience of the last eight or nine years fully justifies grant of provincial autonomy. Whenever an attempt has been made to work the Reforms the Councils have shown commendable sense of responsibility and restraint. The experiment has been particularly successful in the Punjab.

We regret we cannot agree to the principles underlying the Nehru Committee's report. In that report the future constitution contemplates entire centralisation of all power. This is negation of provincial autonomy. The civil and criminal laws should be provincial subjects, otherwise the Assembly may tomorrow pass an Act abolishing the Land Alienation Act, because in the Assembly the agriculturists will possess a very poor strength and voice. The subjects on which the Central Government can legislate should be specified and the residuary powers should vest in the provincial legislatures.

(i) *Finances of Provincial Government and Financial Control.*—The remission of provincial contributions has considerably eased the situation. But the measure of control exercised by the Central Govern-



## MEMORANDUM BY THE PUNJAB NATIONAL UNIONISTS PARTY.

[Continued.]

ment and the Secretary of State is very stringent. The powers of borrowing in the open market and the powers of imposing new taxes are unduly limited. New projects estimated to cost more than a certain amount cannot be undertaken except with the previous sanction of the Central Government or the Secretary of State. The restrictions should be removed or materially relaxed.

(j) *Financial relations between Reserved and Transferred Sides of the Government, including the question of the joint or separate purse.*—There is a feeling that reserved departments are treated more leniently and liberally than transferred departments. Possibly the scrutiny to which new proposals of expenditure emanating from reserved departments are subjected is less stringent. Possibly these departments are treated by Government as peculiarly their own, and proposals from these departments are less liable to delay on the part of Finance Department. But in the Punjab no serious difficulty has been experienced by transferred departments in this connection, and the Punjab will prefer a joint purse.

*The Position of the Services.*

10. There is a distinct feeling that all services are being pampered, particularly All-India services. The emoluments allowed to the members of the Indian Civil Service and other All-India services have been pitched too high for a poor country like India.

The measure of control which can be exercised over the services in general is too meagre to ensure good discipline. A minister or a member cannot even censure a member of an Imperial or a Provincial

service without the concurrence of the Governor. It may be contended that members of the Executive Council, being in the same position, ministers have no just cause for complaint. But it is no consolation to the ministers to find the members of the Executive Council in the same position of helplessness. When public servants know that they have nothing to fear from a minister under whom they serve, the question of maintaining discipline becomes very delicate, and it is a wonder that the ministers have achieved a fair measure of success under very adverse circumstances.

(b) *The Question of Recruitment and of Public Services Commission.*—The question of recruitment should be left entirely to local governments. The Central Government may have a Public Service Commission if it feels that it requires one. Provincial governments should be left to frame their own rules and to devise their own methods of recruitment.

(c) *Indianisation.*—Indianisation should proceed at a quicker pace than it has done in the past. Indians know their countrymen better, they understand their language and appreciate their difficulties far better than Europeans. They are in a better position to get at the truth than Europeans. They are also more easily accessible. Over and all this Indians will be a cheaper agency.

But Indianisation should not mean the dominance of one class. At present the benefit of Indianisation in the Punjab goes mostly to the urban Hindus. Indianisation should be so adjusted and regulated that all classes will receive adequate representation in the public services of their country commensurate with their numbers and importance.

## LAHORE.

Dated 6th November, 1928.

## AFTERNOON—continued.

## Deputation from the Punjab National Unionists Party.

## The Deputation consisted of:—

1. Rai Sahib Chaudhri Chhotu Ram, M.L.C. (Member of the Punjab Provincial Committee).

2. Shoik Faiz Muhammad, M.L.C.  
3. Chaudhri Duli Chand, M.L.C.

54. *Chairman*: I was going to suggest that in view of the fact that the party for which you are going to speak is a party which claims to be formed not on a strictly communal basis, but includes people from the three communities, we should try, in this part of the inquiry, as far as possible not to go over the communal dispute. It is quite relevant to ascertain to what extent a particular community is represented in the party, but I hope very much we will be able to avoid raising afresh from different angles the communal issue. Would you like to address us or would you like some questions being put to you?—

(*Rai Sahib Chaudhri Chhotu Ram*): I will just say a few words in the beginning and then questions may be put to me. You have remarked just now that the deputation which is now before you represents a party which is entirely non-communal. I have the claim of my party to be non-communal on the following grounds. There is absolutely nothing in the principles, programme or policy of this party which prevents anybody from joining the party on the ground of his creed or caste. The ranks of this party are open to everybody who subscribed to certain well-defined views. Secondly, the composition of our party will show that all the communities are represented in it. Of course, the majority now happen to be Muslims, but that is a mere accident, and there is absolutely nothing in our principles which will prevent non-Muslims from becoming a majority in our party. There are some Muslim members of the Council who do not belong to our party. They are as many as five or six. There are five Hindus who belong to our party, and there is one Sikh who belongs to our party. This is in respect of the third Council, that is, the present Council. In the last Council, i.e., the second Council, there were four Hindus, thirty Mahomedans, one Sikh, one Indian Christian, and one European belonging to our party.

Apart from this, there are some among us who do not belong to agricultural tribes, i.e., statutory agricultural tribes, as, for instance, Dr. Sir Mohammad Iqbal, and Shaik-Faiz Mohammad, who are sitting to my right at present.

Another ground on which I claim a non-communal character for my party is that this party lent its support consistently to a purely non-communal Ministry in 1926 throughout. The last ground which I should suggest for claiming a non-communal character for this party is that the programme of the party is to advance the interests of backward classes and backward areas wherever they exist.

55. *Chairman*: Might I interrupt you, because I would like, as far as may be, to have evidence directly on matters one has in mind, if it is not inconvenient to you. May I ask you two questions? First of all, is it possible for a man to be a member of your party and also at the same time to be a member of

any of the other organised parties in the Council?—So far as Council parties are concerned, if he is a member of our party he cannot be a member of any other party.

56. The other question is this. Have you noticed—I have no doubt that you have—that in the Government Blue Book on page — there is a paragraph on the subject of the Punjab National Unionist Party running over about half a page? I think it may save a little time if I were to ask you whether you regard that to be an accurate account, so far as it goes, of the party?—I think it is fairly correct.

57. I thought you would say so. We have all read this, and I thought it would save you perhaps from having to give a description of the objects of the party or of its political history. Now, what are the points you wish to make?—The main points to which we should like to draw the attention of the Commission are the following: That the Province should be granted complete autonomy, i.e., full responsible government, that residuary powers should rest with the provincial Government, that the official  *bloc*, at least as a voting factor, should be removed.

*Chairman*: If I may say so, the first and the third of your points, to my way of thinking, at any rate at this stage, are far more important than the second. There are a great many people in this country who attach enormous importance to this question of residuary powers. Allow me to point out that if a Constitution is perfectly and completely drafted there is no need to provide for residuary powers; if you can draw up a Constitution which allocated every subject either to the Central or to the Provinces, and you are sure that you have not left out any, then there is no need for residuary powers. In my humble judgment, rather too much importance, is attached to the residuary powers. The reason why in most federations a provision is made as to residuary powers—in some cases leaving them to the centre and in some cases leaving them to the circumference—is because it is difficult to make a list of everything; and not only that but new subjects may afterwards turn up. But it is not really, if you will allow me to suggest, a fundamental question at the stage when you are considering the principles of the Constitution. It is a point that arises later on when you are trying to express your ideas in actual concrete form.

*Witness*: The reason why I wanted to stress the point was only this, that no element of uncertainty should be left about it. If there are any residuary powers they should rest with the Provincial Government.

*Chairman*: I quite follow that, and we know that it is adopted in the system of some, though by no means in all, federations.

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[Continued.]

*Witness:* Another point to which I should like to draw the attention of the Commission is that nomination of members to the council should, as far as practicable, be eliminated, there may be cases in which it may not be found to be practicable. The third point to which I would draw your attention is the subject of joint responsibility. The Ministers should have a collective responsibility to the House and not individual responsibility to their various parties, as has been the practice so far.

Another very important consideration from the point of view of the Punjab Province is that the distribution of subjects between the Central Government and the Provincial Government should be such as to enable the Provincial Government to redistribute the present burden of taxation in a manner which will afford reasonable relief to the landowning classes, which have to bear the brunt of taxation under the present system.

58. *Chairman:* I have not been able to follow. Are you calling attention to something in the existing constitution or are you emphasising the principle which you think ought in the future to be secured? Do you mean that this is a thing you want to be provided for in the constitution of the future? Yes.

*Raja Narendra Nath:* That means there should be greater freedom of taxation by Provincial Governments.

59. *Chairman:* I understood him to say that he thought it was an important object for those who are interested in the future structure of the Indian Constitution to bear in mind that the Provincial Legislature should have such powers in financial matters as would enable them to adjust the burden and to prevent it falling too heavily, for example, on rural interests. Is that so?—Yes, Sir. Then I would also like to draw your attention to the principles under which land revenue is assessed at present. It does not take into account the ability to pay and whatever may be the extent of one's holding one has to pay a certain amount every six months to Government. If possible, there should be some provision in the constitution which would allow the Provincial Government to assess land revenue on the same principles as are applied to the assessment of income tax.

60. Do you really suggest that that ought to be in the constitution?—One of the difficulties so far has been that the Government of India would not allow the Provincial Government, even if the Provincial Government wished, to alter the present basis of taxation in respect of land revenue, and my point is that the Provincial Government should be allowed a free hand to change the basis of the assessment of land revenue if and when the Provincial Government found it practicable.

61. May I just ask you one question, though it is only, I think, incidentally relevant? I understand that your view is that in the future the Punjab Legislative Council should no doubt contain predominantly rural members and should be exclusively or almost exclusively elected, and that the Ministers should be responsible to the House. Then you add that there ought to be power in the council—I suppose you would wish the power to go to the length of refusing to increase land assessment and insisting on the land assessment being reduced or exemptions or abatements being granted. Do you think that in a council where the members are predominantly rural—and no doubt they may very properly represent the feelings of their constituents—do you think that it is likely that such a council would support the exaction of land revenue or would it be encouraging constant remissions?—If the past conduct of the rural majority or agricultural majority in the present council is any guide to its conduct in the future, I think the majority in the future councils will behave just as reasonably as it has done in the past.

62. You do not think it would make any material difference if the person who is responsible for the land revenue, instead of being a member of the Executive Council who is irremovable, was a Minister returned

by a constituency and belonging to a party and directly responsible to the House?—No, it will not make any difference. Even under present circumstances, when the Ministry is not in possession of full powers, a suggestion was made by our party that the land revenue basis should be changed and brought into line with the basis of income tax in the course of the next forty years, and I expect that, if full responsibility were granted, it would in itself have a great sobering and restraining influence.

Another thing to which I would refer is that nothing should be inserted in the constitution which would make such economic measures as the Land Alienation Act *ultra vires* of the council or any other measures of economic importance which may be necessary in future to protect any section of the population, whether rural, urban, agricultural or non-agricultural. With regard to franchise, I should like that the franchise should be very considerably lowered. Now, payment of land revenue to the extent of Rs. 25 a year would enable a man to have a vote. I should like this to be reduced to Rs. 10 a year. In a general way I may state that the present franchise qualifications for rural areas should stand, except in respect of land revenue and immovable house property qualifications, and the franchise should also be extended to tenants who occupy land which will be assessable to land revenue of Rs. 10.

63. *Chairman:* If I follow you rightly, whether the land assessed at Rs. 10 is giving a vote to an owner or a vote to a tenant, in both cases you would fix at the same level?—Yes.

64. *Lord Burnham:* I should like to ask you a question with regard to the answer you have just given as to the land revenue being assimilated to income tax. Whether you mean by that that in future the land revenue should be a tax on the profits of agriculture?—Yes.

65. *Raja Narendra Nath:* You said that the local Government should have power to adjust taxation?—Yes.

66. Removing taxation of one kind under one head and imposing taxation on another head?—Yes.

67. That means that the powers of taxation of the local Government should be wider than they are at present?—Yes.

68. To what extent would you remove the control of the Central Government altogether, or would you give any power of control to the Central Government?—In respect of the subjects which are provincial I would not allow any control to the Central Government.

69. In the case of land revenue, if land revenue were made a provincial subject—you yourself advocate that it should be made a provincial subject—would you allow any powers of control to the Central Government?—No.

\* \* \* \* \*

73. Now, the question is this. Except with regard to the subject of the Land Alienation Act, is there anything to which any citizen can object in that programme?—I think reasonable people should not object, but the world has not an excess of reasonable people.

74. All the members of the council would subscribe to your creed if you were to strike out that controversial matter?—I wonder whether all the members of the council would subscribe to the view that the basis of taxation in respect of land revenue should be changed.

75. *Chairman:* Which Article is that? I do not see that in your Constitution?—There must be some reference to a just distribution of the burden of taxation.

76. "Placing the burden of taxation, as far as possible, in an equitable and fair manner." Everybody will say that they want to do that. The trouble is they do not agree as to what it is?—Perhaps it is expressed in general terms. But the object is plain. The present distribution is not just.

77. *Raja Narendra Nath:* The real matter that divides the party in the council in the matter of your



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109. I do not think that really quite faces, if I may say so, the difficulties. May I quote an instance. Take this class of case which, unfortunately, as we know, happens from time to time in this province. There have been very sudden and serious outbreaks which meant the breach of the peace, and, it may be, created a very dangerous situation. Somebody has got to deal with that. I understand that your view is that we have reached the time when there ought to be a transfer of law and order along with everything else to a Ministry. I quite follow that. Now it is always possible, if not in this province—you must imagine the possibility, you know—that the thing is not, unfortunately, very well handled. It may be badly handled by any Government. We must assume the possibility. It is even conceivable that it may be necessary to call in the military. Now, is the military, in your view, to be under the Central Government or under the Provincial Government?—Under the Central Government obviously.

*Chairman:* Then it seems to me there is a difficulty if you make the province too absolutely self-contained, because that would mean that the provincial Minister, or the Provincial Ministry rather, would invite the assistance at a time of crisis of the military, although, as you just told me, your view is that the military is to be under the Central Government. That is the sort of difficulty, I think, Dr. Narang, if I may say so, it is absolutely no use at all to deal with these complicated subjects by merely general phrases. We have got to think how the thing is going to be best arranged with the strains of life and temper and passion. That is the only sort of Constitution building that is worth doing.

110. *Dr. Narang:* After the remarks which you have heard from the learned Chairman, would you like to modify your views?—Not in respect of the subjects which have been allotted to Provincial Governments, or which have not been specifically allotted to the Central Government. If there is any widespread disorder, the Provincial Government must of necessity request the Central Government to lend them the military, because the military forces have been placed under the Central Government. And when opportunity arises for the use of those forces, it is for the Central Government to come out with those forces. It necessarily follows from the distribution of subjects between the Governments—Central and Provincial.

111. Do you mean that even the Viceroy's power of vetoing a local Bill should be abolished?—Certainly.

112. You think that the Governor's power of veto is quite a sufficient safeguard?—Yes.

113. I find from a Memorandum\* which has been sent to the Commission by your colleague Rao Bahadur Chaudhri Lal Chand (I am referring to it because in the preface he says his views could be very well presented by his friend Rai Sahib Chaudhri Chhotu Ram) he says, in the course of his Memorandum, that there should be joint electorates with reservation of seats. Do you agree with that view?—As we have stated in our Memorandum, if there is a substantial measure of agreement between the communities concerned, our party would welcome it. If there is no such agreement, then separate electorates have to be maintained.

114. Then you do not agree with Chaudhri Lal Chand?—No, I do not.

115. May I just put to you one question? Do not you think that now in the Punjab we have gone far beyond the purely communal question, and we have come to questions of sectional preference, caste preference, and territorial preference? Have we not come to that?—No.

116. I would explain to you what I mean by sectional preference. For instance, it is not now a question of, say, Hindus *versus* Mahomedans, but it is a question of the rural section of the Hindus *versus* the urban section of the Hindus. Is that not correct?—In certain very vital matters agricultural Hindus have interests which are distinctly different from, and in

some cases even opposed to, the interests of urban Hindus.

117. So there is this further cleavage also?—Yes.

118. Then I said there is the caste cleavage. You must be familiar with a number of questions put in the council, such as, how many Jats, and how many Rajputs are there in such and such an office, and so on. Is that not a fact?—Yes.

119. Then about the territorial cleavage. Questions are asked as to how many persons belonging to such and such districts are on the cadre of sub-judges, or police inspectors, or in the co-operative department, and so on?—Yes, such questions are asked.

120. I will just ask you one question whether these further cleavages are not the result of the original main cleavage, viz., the communal cleavage?—No.

121. They are independent of that?—Yes.

122. I shall just ask another question which I consider to be a very important one. For instance, you say at page 151 of your Memorandum, under the head (c) "The National Unionist Group, consisting of men of rural extraction and rural sympathies, irrespective of caste and creed. The National Unionist Party was the strongest in numbers, and included men of all faiths." That is one thing. It is correct, is it not?—Yes.

123. And then what you have put down at page 151 is also correct—"The debates of this Council are one unending record of the conflict of views held by these two parties"?—Yes.

124. Now, keeping these two facts in view, viz., that the Unionist Party is the most numerous, and it is best organised, and there is really a crowd of cleavages, if I may so put it, in the council, and there is discord at various points between the various parties—keeping these two facts in view and the further demand that you have made that the Ministry should be joint and should have collective responsibility, and that it should be responsible to the council, does it not mean then that the Ministry, if it is made responsible, would be responsible to the Unionist Party?—In your question you have made so many assumptions that I find it rather difficult to answer. You say there are innumerable cleavages. I do not admit it. If you put your question more clearly, point by point, I shall be in a position to answer.

125. *Chairman:* I see what the question is exactly. If you are going to have a Ministry which is responsible to the majority, and the party you represent is the majority, does not that mean that the Ministry will be from your party and nobody else?—Yes, that is true.

126. *Chairman:* When you ask that all the subjects should be administered, do you not?—Yes.

127. Then, thirdly, you ask that the Central Government should have absolutely no control over subjects which have been transferred to the Provincial Governments?—Yes.

128. Now, keeping all these facts in view, and also the fact that you also want the power of taxation and of adaptation of taxes and readjustment of taxes, what safeguards do you provide for those who do not belong to your party?—Safeguards against what?

129. Safeguards against the majority tyranny?—So far as I can form a judgment, the majority will not tyrannise over the minorities, and if it seeks to do so I think the conscience of the people will revolt against it, and that majority will not be returned to the council next time, as happened in Madras.

130. *Dr. Narang:* This great movement in which you are also taking a part (and your Memorandum shows that you are taking a very keen interest in it) is a movement for self-government in India?—Yes.

131. And you want the power to administer your own affairs, do you not?—Yes.

132. Is it due to the tyranny of those people who are in charge of it now, or is it in consonance with the natural principles of justice and self-determination that you are asking for these rights?

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Chairman: Even as rhetorical a question as that, I suppose, is intended to be answered. What is the answer to Mr. Sirdar Chaudhri Chh in Roor? I have not felt exactly the significance of the question.

133. Mr. Narsing: You say your party will not tyrannise? Yes.

134. And therefore no safeguards are necessary?—Yes.

135. Then why do you want power? What power?—Why do the British want power? Why do the Punjab want power? It is a question all right. You can do or improve the country and the general duty of the people who have the power hands. But the answer does not tell good.

136. Narsing: He did not really give an answer to my question, what safeguards are provided. The answer in my safeguard is necessary because we are very good people.

137. You say you are very satisfied for that, that there will be no problem in the Constitution, which will interfere with such legislation as the Land Abolition Act. You said that, if I do not mind?—Yes.

138. Because, you said, it was an executive measure?—Yes.

139. One, any measure to be called executive, the application of which does not require a vote, and to the suggestion of which you say has our free will and subject himself. I can be a Member of the House, I can be a Member of the House, but I can't be a Member of the House of Representatives. No, because you take it as a class, tell me the protection of agriculture.

140. Then, do you call it an executive measure?—Yes, it is an executive measure, because it deals with the interests of those sections of the population which, as a class, are already very backward, and which are very backward, and which are not really looking after their interests themselves without the help of the Government.

141. I have only one more question. At page 149 you say about the question being settled by a suitable arrangement, and so on, "but if these arrangements fail to arrive at a mutually acceptable settlement, criminal elections will be absolutely necessary as a safeguard of the rights of minority or backward communities." That is what you say?

Chairman: What is the question?

142. Mr. Narsing: The question is, would you include the Hindus in your definition of "minority" as used here, or not?—Yes; why not?

143. And the Sikhs also?—Yes.

Chairman: Zafarullah Khan: On page 149 of your Memorandum you say: "In the case of landowners the franchise should be lowered to people who pay Rs. 10 as land revenue annually."—Yes.

144. And you say, "All rural tenants who occupy land paying Rs. 25 as land revenue annually should also get the franchise." I want to be quite clear that your view is definite that this should be lowered to Rs. 10?

Chairman: He said Rs. 10 in each case.

145. Chaudhri Zafarullah Khan: A little lower down on page 1 you say: "The number of non-official members of the (legislative) council should be increased to 125." Have you any particular objection if it is larger than 125?—No. As a matter of fact I should like it to be larger, say about 150.

146. Then in the summary given by you before the cross-examination started, you put down certain things which you wanted?—Yes.

147. With regard to the paragraph beginning "The representation of special interests," do you want any special constituencies to continue?—No.

148. Of course, you know that in recent years there has been an enhancement of taxation in the form of land revenue and rural taxation, and so on. Did your party, as the rural party, give support to these enhancements or did they oppose it in the legislative

council?—Our party lent its support to the proposals for enhancements.

149. You have suggested that there should be power in the Province to remount taxation as to grant relief to landed interests. Would you be opposed to such power being given to the Provincial Council to grant relief to any section of the people whenever such relief became necessary, or only to landed interests?—Certainly not; I have no objection if the Government possesses the same powers in order to give relief to other sections of the population if they happen to be overtaxed.

150. With regard to agricultural labourers, certain questions were put to you. Is it not a fact that the vast majority of these labourers belong to the notified agricultural tribes themselves, but in the course of time that things have rather been lost altogether or reduced to such an extent that they cannot take a living out of agriculture themselves?—Exactly.

151. And consequently these people are still members of non-cultural tribes?—Yes.

152. A suggestion has been made in one of the memoranda received before me, and no doubt you have gone through that also, that the Central Government should have power to suspend the Constitution of any Province which behaves unfairly. What is your view with regard to such a power being in the Central Government?—I would object to it strongly.

153. The Chairman of the Commission has very clearly defined the various forms that might be adopted with regard to the distribution of subjects between the central and provincial governments, and you have generally given your view with regard to the residuary powers, but I should like to put to you this question. In my distribution of powers between the Central Government and the Provincial Government, could you tell the Commission generally, without naming any specific subjects, what class of subjects you would like to be reserved for the Central Government, and what class of subjects to be allotted to the Provincial Government?—Class of subjects without specifying any of them?

154. I do not want you to name all the list of subjects, but what class of subjects would you leave to the Central Government?—The Army, Navy, Foreign Relations, Relations with Indian States, Customs, Railways, Posts and Telegraphs, and other matters which should naturally fall within the scope of the Central Government.

155. All India subjects?—Yes.

156. And with regard to taxation—perhaps the residuary powers may not be important anywhere else, what would be your policy? Would you not prefer that certain taxes be allotted to the Central Government, and the residuary power of taxation with regard to all other subjects to remain with the provinces?—Yes.

157. And in case the Central Government was in need of larger funds than were supplied by the taxation allotted to them, how would you make up that deficiency?—By levying contributions from provinces more or less on the basis of their population.

158. With regard to the question of the transfer of law and order, is it not a fact that the Army is a Central subject at present?—Yes.

159. Is it not a fact that law and order is a provincial subject?—Yes.

160. Do you think there has been any difficulty in dealing with many difficult situations that have arisen in the Punjab owing to the fact that law and order are provincial and the Army is central?—No difficulty has been experienced so far.

161. Now with regard to your party's majority. Are you sure that in all provincial legislatures henceforth your party is bound to be in the majority?—Certainly not.

162. Is there not, apart from the National Reform Party and the National Unionist Party, a sort of cross-bench composed of what I might call Nationalist members, including Hindus, Mahomedans and Sikhs?

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[Continued.]

—Yes, and there are more than half a dozen members of agricultural tribes who do not belong to our party.

163. Is there anything to prevent the growth of that bench so that they might form a majority in the Council?—None.

164. Is there anything to prevent members from your party, say urban Mohamedan members, finding that their interests are identical with the National Reform Party or the Nationalist Party joining them?—There is nothing to prevent them joining any other parties.

165. *Sardar Ujjal Singh*: Chaudhri Sahib, you have suggested that land revenue should be assessed on the same principle as income tax, and possibly that means also that land revenue assessment has to be made annually; but there is a further demand on behalf of the zamindars that the period of assessment should be enlarged to be 40 years, and sometimes a demand for a permanent settlement. How do you reconcile that demand with the annual assessment, if it is brought on the basis of income tax?—I am putting this forward as an ideal towards which we should work, so that in the course of time land revenue should be brought on the same basis as income tax.

166. *Sir Hari Singh Gour*: I have very few questions. You have said that so far as the Central Government is concerned, it should not interfere at all with the good or bad government of the autonomous provinces, but nevertheless it should provide armed forces to quell any disturbances in the provinces?—Yes.

167. That is your position?—Yes.

168. The Central Government, though it has no controlling voice and no power of ensuring good government in the provinces, still remains liable for the purpose of quelling any internal rebellion that may occur in the provinces?—Yes.

169. You recognise that conflicts with the principle of constitutional law, that he who is responsible for quelling a rebellion is equally responsible for seeing that good government is carried out, so that there may be no cause for rebellion?

*Chairman*: That may be a maxim of good government, but it is certainly not properly described as a principle of constitutional law.

170. *Sir Hari Singh Gour*: Is it a principle of good government? I will put it in that way.—The duty of keeping the peace in general and preventing any rebellion, or suppressing it when it occurs, has been definitely assigned to the Central Government, whose business it should be to suppress any rebellion.

171. It is to be the bludgeon of the provinces and no more? Is that your position?—Yes. In this particular respect.

172. You say the Land Alienation Act has been placed permanently on the Statute Book?—Yes.

173. Do you not foresee the possibility in the remote future of the time arriving when the agricultural tribes who have been protected under this Act will no longer require any protection?—Yes, quite.

174. In that case you would give the province which has enacted the Act, power to repeal it?—I would give that right to the provincial Government.

175. But you said it should be made part of the Constitution, and the provincial Government should not have the right to interfere?—I meant the Central Government; it may have been a slip of the tongue on my part. The Central Government should not have the right to interfere.

176. But the Act is an Act of the Central Government; it can be repealed only by the Central Government. One question about assessment. You said that land revenue should be assessed on the profits; that is to say, on the basis of income tax, on the profits which a man makes?—Yes.

177. Would not that make all assessed land in reality freehold? That is to say, any ordinary non-agricultural man pays income tax on his profits, and an agriculturist will equally pay tax on his profits, so that he will pay nothing at all for the holding of the land?—Why should he pay?

178. I do not wish to argue that; the fact is he will not?—He will not.

179. The position would then be that all holdings here would be freeholds?—I am not quite sure as to the exact significance of "freehold."

180. Freehold means free of rent, of revenue and everything else; it will be freehold, that is the position?—Yes.

181. Your party therefore stands for the establishment of the principle of free holdings throughout the Punjab?—Yes.

182. It comes to that?—Yes.

183. You have said that the Central Government should have no power whatever to suspend the local Acts. If the Central Government has to go to war with a foreign power to defend the provinces and to defend its own existence, and money is required, and the provincial contribution is not paid, how is the Central Government to carry on?—I am suggesting that, if need arose, the provinces ought to be called on to contribute.

184. But where is the sanction behind it?—In the constitution.

185. No; you said just now it would be a voluntary payment by the provinces. You have said the Central Government has got no directing power in the provinces?—No, no.

186. It is to have no such power of superintendence, direction and control, such as it possesses now over the Provincial Governments?—I stated that, if need arose, then the Provincial Governments should be called on to pay their quota.

187. *Sir Hari Singh Gour*: Yes, they may be called on, but suppose they refuse to pay?

*Chairman*: I do not think that is what he meant. We are dealing only with a sketch; he does not profess to produce a complete scheme. I think we understand his sketch. I think his idea was, on this particular point, that the constitution should contain a provision that in certain events (which would have to be carefully defined) then, as part of the whole structure, the provinces would not have the privilege of contributing if they liked, but would be compelled to contribute.

188. *Sir Zulfikar Ali Khan*: I want to be very definite on one point. Do you or do not you want the Central Government to be strong enough to control affairs in the provinces if need be?—Let it be strong enough to manage its own affairs, and let the Provincial Governments be strong enough to manage theirs.

189. Suppose there is anything on which the opinion in the provinces differs in regard to administration, who would adjust matters?—The provinces.

190. The provinces cannot?—Why?

191. Even in the United States of America there is a Central Government to regulate the administration in the States.—In respect of matters which are outside its scope, do you mean? Has the central authority in the United States of America the right to interfere in matters which have not specifically been allotted to it?

192. I am taking into consideration the situation of different communities all over India. I am not here taking a communal view at all, but suppose there is anything which hurts any particular community, and any community feels hurt or aggrieved, what action can the Central Government take to protect it?—Why should the Central Government take any action?

193. Which is the Government which should take it?—The Governor.

194. If you transfer law and order, the Governor will not have charge. You have said in your statement you would like law and order to be transferred?—Yes.

195. You would like to have unitary government?—Yes.

196. And there would be no reserved subjects at all. Under those conditions the Governor cannot interfere?—I have never stated that the Governor should from to-morrow be divested of his powers of veto or interference.

197. You think the Central Government should only be strong enough to manage its own affairs?—Yes.

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[Continued.]

198. If any situation arises you will not mind what happens?—I assume that the Provincial Government and the Governor will deal with it.

199. You have stated that at present your National Unionist Party is the strongest in the House?—Yes.

200. And it is likely to remain so as long as the present constitution, or the future one which you have proposed, subsists?—No. I never made any such statement.

201. If members are drawn from the rural areas (and most of them will come from the rural areas), and your party is mostly composed of members from rural areas, that follows?—Only those members who share our views join our party. Even now there are some rural members who do not share our views and do not join us.

202. There may be one or two?—There are more.

203. The majority from rural areas belong to your party?—Quite a number do not belong to it.

*Lord Burnham:* He has stated that.

204. *Sir Zulfiqar Ali Khan:* That is what I want to confirm now. It follows that, since your party will remain in power, the Ministry will be formed out of that party. Do not you think so?—So long as it commands a majority there is no reason why it should not.

205. It follows also the Ministry will be assured of continuity?—So long as it continues to have a majority it certainly will.

206. Will that Ministry, when it is assured of continuity, become rather despotic in its behaviour?—I do not assume it will continue to command a majority for an indefinite length of time. If the party makes wrong use of its power it will probably be reduced to a minority at the next election and thus thrown out of office.

207. If you have a majority on your side it will not?—Not if the majority continues, no.

208. Do not you think that here intrigues have sometimes been started in the Ministry which the public have resented?—I am not aware of any intrigues.

209. You are not aware of them?—No.

210. You are not aware of the comments in the Press either?—It happens very frequently that comments in the Press are groundless.

211. Not always. Is it your party's intention to defend the Land Alienation Act. Is that part of their faith?—Yes, that is one of our chief planks at present.

212. You will fight for it through thick and thin?—Yes, so long as present conditions last.

213. You advocate a readjustment of taxation as between rural and urban areas?—Yes.

214. You want that because you think the rural classes are unfairly taxed?—Yes.

215. Can you tell me the incidence of taxation in rural areas?—I could not say that.

216. You cannot speak either as to its incidence in urban areas?—No.

217. There is one thing you can tell me in any case. Life in urban areas is become very expensive?—Yes, and in rural areas also.

218. That counterbalances the levying of taxation?—The agricultural classes do not get enough to eat or to maintain their families, and if they could afford it they also would like to raise their standard of life. My point is that the bulk of the provincial revenues comes out of the pockets of the agricultural classes, while the commercial classes pay precious little.

219. It is the business of everybody to defend the rural classes under those conditions?—Yes.

220. *Sir Arthur Froom:* I shall be very brief. I want to make reference to one point in your Memorandum to which I think reference has not hitherto been made, so that it is striking a new fresh ground. I refer to the question of the powers of borrowing in the open market and the powers of imposing new taxes on the rural areas.

Would you tell the Conference what you mean by "the open market"? Do you mean in the Punjab, in India, in London or all over the world?—The provincial governments cannot resort to borrowing without the sanction of the Central Government.

221. I do not think you quite understand my question. You complain you cannot borrow in the open market. What do you mean by "the open market"?—We should not be obliged to borrow only from the Central Government or not to float our own loans.

222. You still have not got my question. I will put it in this way. What are your ideas of an open market?—Let us say the whole of India.

223. You mean India?—Yes.

224. And possibly going to foreign markets too? That would be the open market, would not it?—Not necessarily for provincial purposes.

*Lord Burnham:* The "open market" must mean the money markets of the world.

*Sir Arthur Froom:* I do not think that is what he understands by it.

225. Let us confine ourselves to the money market of India. Can you tell us, supposing the Punjab and Bengal and Bombay all wished to borrow at the same time, the interest you would have to give for your money would be very much larger on account of the competition?—We are unduly restricted.

226. You said that the restrictions should be removed or materially relaxed?—Yes.

227. Would you like to have the power of borrowing in the open market except through the Government of India?—There should be some sort of an understanding between the Central Government and the provincial governments.

228. You appreciate that if every provincial government came into the market at the same time, up would go the price? That is, ordinary business?—Yes.

229. You propose that law and order should be a transferred subject?—Yes.

230. At the same time, you recognise that an occasion might arise when the minister wants the help of the military?—Yes.

231. The military is under the Government of India, whose executive officer is the Commander-in-Chief?—Yes.

232. Supposing you had a riot, and it got out of the control of the police, and you applied to the military, it might take a week to get military assistance in the way you suggest, and in the meantime there might be great bloodshed and loss of property?—It does not take long now.

233. Of course not, because it is a reserved subject. It is all the difference in the world?—It should not make any difference.

234. You do not suggest that the General at Lahore, for instance, should be empowered by the Government of India to place the military at the disposal of a minister responsible to the local council whenever the minister asks for it?—If it has been possible so far for the Central Government to place its military resources, when needed, at the disposal of a Member of the Executive Council who is responsible to the legislature, there is no reason why the same should not be possible under altered circumstances when the minister in charge of the order happens to be responsible to the legislature.

*General Sir Arthur Froom:* My question is that even the present practice is that even the Governor-General can call for the help of the military and they have to obey. That is so, is it not?

*General Sir Arthur Froom:* That is so, is it not? That is a very important question, and it is a question of the powers of borrowing in the open market and the powers of imposing new taxes on the rural areas.



## LAHORE.

Dated 9th November, 1928.

## PRESENT:

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIRABHAI PREMCHAND), AND OF THE PUNJAB PROVINCIAL COMMITTEE.

## Lala HARKISHEN LAL, First Minister of Agriculture, Punjab.

1. *Chairman*: We are very much obliged to you, Mr. Harkishen Lal. We know, of course, that you were the first Minister of Agriculture in this Province?—Yes, Sir.

2. I should just like to put a question to you quite bluntly and boldly, and it is this. What would be your view as to the working of dyarchy, the successful or unsuccessful working of dyarchy in the Province of the Punjab?—Well, sir, there was no dyarchy. There was in some cases “quadrarchy”—four people working separately—and in some cases a unitary government.

3. Did you say “quadrarchy”?—“Quadrarchy.” There were four parts of the Government; not two.

4. Well, you won't expect me to adopt that word! And then there was sometimes unitary Government?—Yes.

5. You are putting it very epigrammatically, Mr. Harkishen Lal.—That is the only way to sum up the situation.

6. Whether you regard it as four-footed, or whether you regard it as a single thing, I think the interesting question is, do you consider it worked?—It worked, I should say, to a very large extent.

7. I will put a leading question, which is a very bad thing to do as a rule. Do you think the influence and help which the Governor gave in this Province was of assistance to making it work?—I think, sir, the Governor's attitude was very helpful; and so was the attitude of the people who had to work with him.

8. We were very glad to be told in the evidence we have had that there has not been in this Province, as there has been in some, a constant succession of votes of censure on Ministers?—No, sir. One was tried but failed.

9. Is it legitimate to ask you, Mr. Harkishen Lal, in very plain terms what you recommend should be done now?—To put it very briefly, my view is this: His Majesty the King in 1921 (His Message delivered at Delhi) said that he would like to see India very soon on a footing of full responsible government; and it was also said in the despatches that the present concession, the Act of 1919, was a substantial instalment. Well, so far as the provinces are concerned, I think, sir, the second instalment ought to be paid and the debt cleared. The whole thing should be liquidated. So far as the Government of India is concerned, if I am allowed to say, I should fix up two instalments there, one now and one later.

10. Now it comes to this then, that your view is—you are speaking, of course, from great experience of the Province—that the time has come to take a step forward in this Province, which, you think, should go to the full length of provincial autonomy?—Quite so, sir, and also the provincial autonomy should be defined. It should not be power in the hands of the Governor entirely. That would also be autonomy; but the power should be in the hands of the Ministers or the people.

11. *Lord Burnham*: Would you be in favour of extending the powers of the Governor in regard to veto supposing autonomy were granted?—Well, sir, no; because the autonomy would mean the joint responsibility of the Ministers, and I would not, excepting in very, very exceptional cases, give power to the Governor to override the Cabinet.

12. *Mr. Cadogan*: Would you indicate what those exceptional powers would be? To what extent would you give the Governor overriding power?—In times of trouble and turmoil I would give him exceptional powers.

13. *Disorder*?—Yes. And sometimes when a war is on the Government of India may have really to dictate terms. In things of that kind, i.e., in very exceptional cases.

14. *Colonel Lane-Fox*: You said you would like to see full provincial autonomy?—Yes.

15. That, of course, means that you would like to see law and order transferred to a responsible Minister?—Yes.

16. Have you ever considered—several witnesses have suggested it—whether if law and order was in the hands of a responsible Minister, and there was a very strong majority of one community it might not interfere with the administration?—I do not think that can be possible, because the Minister will not be dealing with the matter directly. He might be dealing with the matter as a matter of appeal, but he will not be dealing with the matter as it arises.

17. But he will be dealing with the administration of the police?—He would be dealing with the administration of the police, but I do not see that even now the Governor or a member in charge of “Police” can dictate anything to the police in the early stages of an enquiry or investigation of any trouble. He will deal with it by way of appeal, no doubt. There may be influence exercised in some cases in what is called a left-hand manner, but I do not know how, openly, there would be any influence exercised. In many cases that came up when I was a Minister, and we were told by the member in charge that he could not intervene because the matter was in the hands of the subordinate magistrates and police.

18. Then you are not afraid of the administration being interfered with?—No.

19. *Dr. Narang*: You have said all this on the assumption that all these wrangles about communalism would disappear?—Are there any wrangles every day?

20. That is not the point. I mean the distinction; the distinction, for instance, in electorates and the reservation of seats on various bodies and all these things, and taking communal views.—Is there any trouble now?

21. *Captain Sikandar Hayat Khan*: Are you in favour of extension of franchise?—Yes.

22. Would you give vote to the tenants also?—Yes.

23. You are not in favour of adult franchise?—I am, but for the sake of management I would go down by degrees because the whole population cannot be managed in a day; I would have a property qualification, and would gradually reduce it.

24. You will gradually work up to adult franchise?—Yes.

25. Would you like to see a provision in the constitution that it should be done after every election, that the extension of franchise should be made after every election?—If sufficient time is fixed it may automatically extend; but if sufficient time is not fixed, as the Indian Parliament or the provincial councils see fit.

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LALA HARKISHEN LAL.

[Continued.]

26. *Sardar Ujjal Singh*: Are you in favour of keeping separate communal electorates or are you in favour of joint electorates?—I will have joint electorates.

27. With regard to full provincial autonomy, would you keep the control of the Central Government over the provinces to some extent if all the subjects are transferred?—That will have to be worked out in detail, because now the control of the Government of India in some cases is not healthy; for example, in the matter of tramways. It is not an easy thing to say straight off what control the Government of India should have and what not. I do not know whether you are aware that there was a great deal of trouble with the Government of India over the question of tramways, and eventually the Government of India turned us down. We had some trouble with the Government of India over the question of excise legislation. Therefore, I cannot say offhand, but I would reduce it to a minimum.

28. What I meant to say was this. Now the provision is that you have got to get the previous sanction of the Government of India before introducing legislation. Would you like to do away with that or would you like to retain the power of veto over provincial legislation? Now you pass a Bill and then it requires the sanction of the Governor of the province, and then it goes to the Governor-General?—It depends on what class of legislation it is, I have not worked out the details. This is a matter of detail. There are so many laws and so many matters which are now with the Government of India and would always remain with the Government of India. When the list is put before me whether I would like to have the veto of the Government of India is another matter. I cannot at present say in matters of detail whether I would keep the veto or not.

29. Supposing communal electorates are kept alive in the Councils, would you like them to be extended to local self-government or would you confine them to the local legislature only, supposing they are thrust upon you?—I used these words before the Muddiman Committee, that "I will not kick at it." I use the same words again.

30. You would confine them to the local legislature only and not extend it?—No. I would reduce it even there.

31. *Rai Sahib Chaudhri Chhotu Ram*: Did you pull well with your colleagues?—Yes. I was dining with one of them only three nights ago.

32. *Raja Narendra Nath*: And even with Secretaries?—With Secretaries also, except with one head of a department.

*Chairman*: Need we go into that? What particular constitutional point do you wish to raise on this subject?

33. *Rai Sahib Chaudhri Chhotu Ram*: I was simply asking him whether he pulled well with his colleagues.—There was absolutely no friction. But we had on certain subjects differences of opinion.

*Chairman*: Most people have. We have in this Conference.

34. *Sir Hari Singh Gour*: Mr. Harkishen Lal, you said you would do away with communal elections. What are your reasons for that?—One reason, and the chief reason which I have mentioned before in some documents is that responsible government and communal elections or communal members are what is called negative of one another. There would be no responsible government based on political views if the people are divided and the members in the Council are divided on religious or communal basis.

35. That of course is your theoretical ground?—That is a practical ground.

36. Did you put this theoretical objection to test during your Ministry? You had communal electorates and you had representatives of various communities in your Council. Did you find that because they were returned by the communities they placed the interests of the communities in the forefront before the general interests of the public at large?—

Not in all matters. It depended on how a matter affected them.

37. Were they influenced by communal considerations?—Sometimes they were.

38. Do you think they possessed the confidence of the whole House?—You mean the Ministers?

39. I am talking of the members.—Members had the confidence of the whole House.

40. To the same extent as they would have possessed if they had been returned by general electorates?—I do not understand.

41. My point is this. You are against communal electorates; and I am helping you to give an answer. One of your answers is a theoretical answer, and the next question that I put to you was whether the fact that they are *a priori* bad elections were in view of the fact that you were practically all working in a council formed on communal basis. Did you find that communal electorates produced men who had better not have been in the council at all?—Some. Not all. One could not say what proportion.

42. You would like to have general electorates. Would you give reservation of seats?—No.

43. You will leave the minorities alone?—I do not know of the minorities. The minorities have been created. There are no natural minorities. Minorities have been created on the basis of religion and economic ideas. From the political point of view there are no majorities and no minorities.

44. For instance, there are people who are not so politically minded as the rest of the community. I will give you the depressed classes as an example. You have got 22 lakhs of depressed classes in the Punjab. They have no representation at all, nor are they likely to have?—Why?

45. Because they are depressed classes scattered all over the province?—It depends on votes. If they get votes then they will have representation.

46. Would you give them special help so that they could come up?—To come up to what?

47. To secure votes?—I have said that I am for adult suffrage. That includes the depressed classes.

48. You are for adult universal franchise?—Yes.

49. Both male and female?—Quite.

50. If you give adult universal franchise do you think that you will get a better class of men into your council than you get at present. A more intellectual class who will carry on the work of government much better than they are able to do at present, or at least as efficiently as they are doing at present?—I think there would be the same standard. I do not think the standard will be lowered. I do not know whether a higher standard exists in the country. I thought we got the best men into the Councils already.

51. You think that that standard will be maintained if there is adult suffrage?—I think so.

52. Do you not think that the intellectual people, the busy people, like yourself, will find it much more irksome to get returned to the Council because the constituencies would be such populous constituencies?—That would depend on how many members are being returned.

53. Would you increase the strength of the Council?—Yes.

54. To what extent?—At least to 200.

55. *Sir Arthur Froom*: Amongst your other activities, Mr. Harkishen Lal, might this Conference regard you as a great financial expert?—If they please.

56. I will put it the other way. You are a big banker?—I do not say I am a big banker, but I am a banker.

57. For that reason I attach great weight to the answer which I hope you will give to my question. Would you regard that the Finance Department of the Government of the Punjab under provincial autonomy should be entirely separated from the Central Government?—The department is already separate. The functions in some cases are not well defined, but otherwise it is.



**Memorandum on the Rights claimed by Hindu Minority in North-West India, by Raja Narendra Nath, M.A. (Punjab), Member of the Punjab Legislative Council, Ex-President of Hindu Mahasabha (1926), Fellow of the Punjab University, formerly a Statutory Civilian in the Punjab, President, National Reform Party, Punjab Council.†**

### PREFACE.

For the last 12 years I have been taking a deep interest in the social and political welfare of the Hindus and have been in touch with Hindu thought and feeling in the Punjab and outside. Though the opinions expressed in the following pages have been formed after close contact with the leading Hindus of the Punjab, and correctly represent what I understand to be the view of most of them, yet this Memorandum is being submitted by me in my individual and not in my representative capacity. I am solely responsible for what has been said therein, and for such proposals and suggestions as it contains. The Memorandum will be circulated to all the leading Hindus of the Punjab and to organised associations, and their opinions, when received, will be sent to the Commission.

### SECTION I.—THE PROBLEM STATED.\*

Lord Birkenhead and Mr. Ramsay MacDonald and other public men in England have more than once given assurances that, in any scheme for self-government which may be evolved for India, the interests of minorities will be duly protected. Up to a recent period only one important minority, viz., that of Muslims, has attracted the attention of the publicists in England. The depressed classes have lately begun to receive some consideration. It is, however, not generally recognised that Hindus in North-Western India also form a minority, and an important minority, in a country which derives its name from them. In Bengal, too, the Hindus are in a minority, but presumably they have no grievances as the Hindus of North-West India, and, therefore, have not raised their voice. The case of the Hindus in the Punjab, North-West Frontier Province, and Baluchistan has some peculiar features of its own which must be explained to the Commission. I will deal first with the Punjab.

The Punjab, excluding Native States, has a population of 20,635,025, of which 11,444,321 are Mahomedans, 2,294,207 Sikhs, 6,945,972 Hindus and others, including Jains, Buddhists and Christians. Excluding Christians, who are 329,050, the Hindus form 31.9 per cent. of the population. The Punjab Council consists of 93 members, of whom 71 are elected and 22 nominated. Of the latter, 15 are officials, excluding two Ministers and seven non-officials. The elected members are returned by 64 territorial constituencies. Seven members represent special interests, one is returned by the "University," one by "Industry," one by the "Chamber of Commerce," three by "Landholders" (one Sikh, one Hindu, one Muslim), paying Rs. 500 or more as land revenue, and one by Tumandars of Dera Ghazi Khan, all of whom are Mahomedans. In the territorial constituencies 32 seats are assigned to Mahomedans, 12 to Sikhs, and 20 to Hindus; Mahomedans and Sikhs being returned by separate electorates. Besides this division on the basis of religion there is a division between urban and rural members which, owing to circumstances to be related hereafter, has great importance and significance. There are 51 rural and 13 urban constituencies.

It will thus appear that, out of 64 elected members returned by territorial constituencies, 44, which constitute more than a majority of two-thirds, or nearly 69 per cent., are returned through separate communal electorates. The policy of communal representation through separate electorates has, therefore, a special

bearing on the Punjab, and it is necessary to say a few words about it.

Communal representation through separate electorates was introduced in the Punjab in some municipalities before the inauguration of the Reform Scheme of 1921. Whilst Lords Minto and Morley were considering the question of the expansion of councils an address was presented on the 1st of October, 1906, to Lord Minto by Mahomedans, under the leadership of His Highness Sir Aga Khan. The general trend of this address, as also of the reply given by Lord Minto, indicates that special electorates were asked for on the ground that the Muslims formed a minority in most Provinces, and for that reason, unless special electorates were recognised, the Muslim members returned would represent the views, not of Muslims, but of the majority of Hindu electors. I may be excused if I give some extracts from the address presented to, and the reply given by, Lord Minto. The request for communal representation through separate electorates was made in the following words:—

"As for the results of elections, it is most unlikely that the name of any Muslim candidate will ever be submitted for the approval of Government by electoral bodies as now constituted, unless he is in sympathy with the majority in all matters of importance. Nor can we in fairness find fault with the desire of our non-Muslim fellow subjects to take full advantage of their strength, and vote only for members of their own community or for persons who, if not Hindus, are expected to vote with the Hindu majority on whose goodwill they would have to depend for their future re-election."

In Lord Minto's reply the following passage occurs:—

"You point out that in many cases electoral bodies as now constituted cannot be expected to return a Muslim candidate, and, if by chance they did so, it could only be at the sacrifice of such candidate's views to those of a majority opposed to his own community, whom he would in no way represent, and you justly claim that your position should be estimated, not merely on your numerical strength, but in respect to the political importance of your community, and the services it has rendered to the Empire. I am entirely with you."

It is true that the deputation which waited on His Excellency asked for communal representation everywhere in council, in local bodies and in services. But the argument which appealed to Lord Minto was that a minority community, which held a position of importance in the country, needed separate representation in councils, and that representation in excess of the proportion of its number.

In the Minto-Morley scheme of reforms there was no direct election. The principle of the responsibility of the Executive to the Legislature was not introduced. The question whether a community, which is not in minority, can justly claim separate electorates, did not arise. It is, however, noteworthy that in the Punjab, where Muslims form a majority in the population, they were not given separate communal seats. In Bengal, where also Muslims form a majority in the population, out of 27 elected seats the Muslims were given five, for which separate communal electorates were introduced.

These facts indicate how the address presented by Lord Minto was interpreted immediately after it was made, or the policy inaugurated immediately after it was introduced. In the Punjab, where Muslims were recognised only in the number of seats forming a minority, and not as proportionate to the numerical strength of the community in the population. In Bengal, where Muslims are in a majority in the population, they were given five seats to this general rule.

\* Parts of this section of the Memorandum are verbatim copy of a paper which I read under the auspices of the Tilak School of Politics on 16th May, 1926.

† The Appendices to the Memorandum have not been printed.

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Casting a glance outside India, I find that communal representation through separate electorates existed in the Province of Moravia, in Austria, and in Cyprus (para. 228 of the Report on Constitutional Reforms by Mr. Montagu and Lord Chelmsford, also Lord Morley's speech in the House of Lords delivered on the 23rd February, 1909). Although the present Government in Cyprus was introduced under circumstances of a peculiar nature, yet it is significant that here also Muslims, who have separate electorates, are in a minority, being 61,422 out of a total population of 310,703.\*

In Austria, as far as I am aware, separate electorates were recognised for Germans only in one out of several Provinces which constituted Austria before the war, viz., Moravia. In this Province the figures as to the population in 1890 were as follows:—

German, 29.4 per cent.

Slavs of the various sub-divisions of the Czech race, 70.03 per cent.

Balance, Slavs of other races.†

Separate electorates, as far as I am aware, have seldom if ever been thought of for a community which is in a majority in the population or which is in absolute or relative majority in a representative body. Anyhow, for reasons to be stated in the sequel, they cannot be continued in spite of the protest of a minority community. In 1916 the Muslim League and the Congress met together, and entered into a compact, under which proportions were fixed for Muslim representation through separate electorates on the Legislative Councils in every Province, including the Punjab. The pact took no account of the Sikhs. The Southborough Committee, which sat in sections, one dealing with "Franchise" and "cognate" questions and the other with "Functions," proposed communal representation, through separate electorates, for Sikhs, in accordance with their demand. The result now is that more than two-thirds of the members of the Provincial Council are elected through separate communal electorates.

The Report on the constitutional reforms known as Montford Scheme describes communal representation as "opposed to the teaching of history, perpetuating undesirable class divisions." But the Congress League Pact which recognised communal representation through separate electorates for every Province could not be ignored. This method of election could not therefore be withheld from Sikhs in view of their demand. I doubt very much if the British Government would have introduced communal representation through separate electorates for the Punjab Council in case of Muslims, or would have recognised it in the case of Sikhs, if the pact alluded to above had not been arrived at. The mutual agreement of the parties concerned was the main, if not the sole, factor in determining the decision of the Government.

Apart from the consideration that communal representation retards the process of nationalisation, there is the fact that separate electorates deprive those outside the community, which forms the electorate, from a voice in the selection of representatives to whom the fate of all is entrusted. Should any section of the people be deprived of this important right when that section claims to exercise it? In a democratic system of government a minority must submit to a majority. Various devices are employed to safeguard the interests of permanent minorities, specially where parties are formed on a religious basis. Is it then fair to give to the majority community special facilities for the assertion of its communal ascendancy? In course of my evidence as President of the Punjab Hindu Sabha before the Franchise Committee, in 1918, I proposed mixed electorates with the number of seats fixed for different communities. I doubt if mixed electorates were proposed at the time by many witnesses. In view of the idea set afloat by the Congress League Pact, the

suggestion was not accepted. But the Hindus of the Punjab have never supported separate electorates, though they have favoured the idea of fixation of seats for different communities. It seems to me highly unfair and inconsistent with the principles on which democratic institutions should be worked, that any person who under the Franchise rules has a right to vote should be compelled to desist from influencing the selection of councillors to whom his fate is entrusted, and the injustice involved becomes marked when the majority of the councillors in a Province are elected in such a way as to exclude a minority from exercising any influence in the election of that majority. It would be otherwise if the minority voluntarily abandoned that right as the Muslims wish to do in provinces where they constitute a majority. But if a minority does not want exclusion it is unfair to force exclusion on it. Such exclusions may be forced on a majority community for it loses nothing thereby, on the contrary it derives strength and is better consolidated on communal lines.

In the Punjab the question is somewhat complicated by the existence of another important minority, viz., that of the Sikhs. The attitude of the Sikhs with regard to separate electorates has undergone a change since the introduction of the Reform Scheme. They are opposed to separate electorates and perhaps even to the fixation of communal proportions in seats. Their demand is, and has been, that if communal representation were a recognised fact in representation for Councils, they as a very important community in the Province should get one-third of the seats, a proportion assigned to Mahomedans in the United Provinces, where they form 14 per cent. of the population. At the sitting of the Sikh League held recently the Sikhs have condemned communal representation in all its phases. But even if the Sikhs wanted separate electorates, it is not just and fair to deprive the Hindus of the Punjab who constitute nearly one-third of the population of the Province from the exercise of an important right on which representative institutions are based.

Separate electorates cannot be continued solely on the request of the majority community whilst a minority community insists upon joint electorates.

The Indian National Congress has condemned separate electorates and has advocated joint electorates all over the country with reservation of seats. It has, however, attached certain conditions, viz., the reconstitution of Provinces on linguistic basis, the separation of Sind from Bombay and its creation as a separate Province and the introduction in the North-Western Frontier Province and Baluchistan of a system of Government at par with other Provinces. My proposal is a much narrower one, whilst supporting the reservation of seats for communities, I leave the question of separate or joint electorates to the option of a community which is in a minority in a Province, or where the question is one of representation to a local body where the community is in a minority in the electorate. The Hindus have up till now favoured joint electorates and I am sure they will adhere to this opinion. My own experience of a separate electorate for a minority community is that it in no way benefits the community. One strong speech, imbued in a communal spirit, from a representative of minority community elicits half-a-dozen strong speeches from the representatives of the majority community, whom separate electorates for themselves or for minority community consolidates still more strongly on a communal basis. The speeches are often appeals to the gallery, and are generally made shortly before a general election. They serve no other purpose. I would not, however, force joint electorates on a minority community which does not realise this defect, or which on account of its small number in the population gets none of the advantages of joint electorate, whilst the majority community has all the practical advantages of separate electorates. The case of Anglo-Indian or the domiciled European community has some special features. Not only is their proportion in the population very

\* Statesman's Year Book of 1927, p. 106.

† "Encyclopædia Britannica," 10th edition, Vol. XXX., p. 829.

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small, but their culture and mode of living is radically different from ours. They have very limited opportunities of social intercourse with us, which is not likely to be promoted by the introduction of joint electorates. The case of Hindus, Muslims, Sikhs, and even of Christians, is different in this respect. Up to a very recent time in the history of the country social intercourse between Hindus, Muslims and Sikhs was very free. I have known Hindus who, in spite of restrictions on commensality, counted Muslims amongst their best friends and *vice versa*.

I should now like to say a few words as to the proportions in which seats are to be assigned to various communities. I see no reason for varying the present proportion in the Punjab, which, so far as the territorial constituencies are concerned, are 50 per cent. Muslims and 50 per cent. non-Muslims. The number assigned to the Hindus is in proportion to their population and cannot be lessened. The Sikhs demand weightage in the proportion in which weightage is given to the Muslim minority in United Provinces. They consider as inadequate the small weightage which is at present allowed them. Their proportion amongst voters is too much in excess of their proportion in population, as the following figures will show:—

*General or Territorial Constituencies.*

Muslims	...	...	...	...	305,103
Sikhs	...	...	...	...	167,899
Hindus and others	...	...	...	...	223,977
Total	...	...	...	...	696,979

The proportion of Sikhs amongst voters is 24 per cent. against their 12 per cent. in the population.

It is impossible to reduce the slight weightage any further as long as Muslims in Provinces in which they are in a minority get the excessive representation which the Congress League Pact for 1916 secures to them, and as long as the domiciled European community in the Bengal Council gets 18 seats out of 114 (nearly 15 per cent.) the Muslim majority cannot anywhere claim the full benefit of its members. That the Muslims are not in absolute majority in Council, or that amongst the voters their number is smaller than the total number of non-Muslim voters, is no reason for their claiming separate electorates. The question of the maintenance of their present proportion in the Council or its variation is a different one altogether from the question of separate or joint electorates. The excess of non-Muslim voters over Muslim voters or of Muslim population over non-Muslim is so small that the claim for separate electorates cannot be justified. The object of separate electorates is to prevent the voters of one class engulfing the voters of the other class, and thus vitiating the representation of a minority community resulting in the return of members who represent the majority class more than the minority class. The proportion of members of each class in the Council is fixed on considerations in which other factors also enter. In the Punjab the excess of non-Muslim voters is so distributed over the constituencies that the engulfing cannot occur. I cannot foresee what the effect of the extension of the franchise will be on different communities; but should it happen that the number of constituencies in which non-Muslim voters preponderate over Muslim voters exceed the number of constituencies, in which the case is reverse, the allotment of seats to various constituencies can be so made as to equalise the number of constituencies in which Muslim and non-Muslim voters are in majority. Supposing the territorial constituencies remain as they are, 32 Muslims and 32 non-Muslims, and supposing that, out of the non-Muslim constituencies, there are 21 in which non-Muslim voters predominate, and in the Muslim constituencies only 17 in which the Muslim voters predominate, the allotment of two more Muslim seats to the Muslim part of the Province and of two more non-Muslim seats to the same part of the Province will remove the

excess. Equitable distribution of this sort cannot be done where the Muslim community is very small in number; for example, in United Provinces, where Muslim population is 14 per cent., or in Central Province, where it is 4 per cent., or in Bihar and Orissa, where it is 10 per cent. The same will be the case with the Hindus of North-West Frontier Province. It is unjust to force joint electorate if the minority is unwilling.

Therefore, separate electorates for Muslims in the Punjab only perpetuate an evil, and cannot be allowed when the non-Muslim minority protests against it. The slight excess of non-Muslim members in the Council over the Muslim members is due to special constituencies. The controversy about joint and separate electorates relates only to territorial or general constituencies, and not to special constituencies, in some of which joint electorates already exist. If special constituencies were abolished there would be no excess; but if they were retained, and even if in each special constituency seats were reserved for Muslims and other communities, the Muslims would gain nothing. In the Tumandar Constituency there is and there can be no non-Muslim voters. In the University, Industry and Chamber of Commerce Constituencies, if the principle of reservation of seats for each community were adopted, the Muslims gain no advantage. Increase in the number of voters of one community or the other is immaterial so long as the proportion of representation for each community is fixed. Therefore, so far as representation in the Council is concerned, the demand of the Hindus of the Punjab is that there should be joint electorates with reservation of seats, and the existing proportions in which the seats have been assigned retained.

The next important question to which I draw the attention of the Commission is whether the scope of communal representation should be widened. Whether the constitution should be so framed as to permit or forbid the extension of this principle, whether the principle which, according to the most reasonable and enlightened men now or before was only to be tentative, should be introduced for recruitment to services and for admission to educational institutions, and to other spheres of administrative activity. The wider the scope given to this principle the more difficult will be its ultimate abolition. Whilst communal representation in representative bodies keeps up communal differences by giving an official approval to them its application to services and other spheres immensely increases communal bitterness. There is nothing in the present constitution clearly forbidding such an extension. In the instrument of instructions to Governors there are passages here and there which forbid the adoption of any policy which would increase racial or communal animosities; for instance, in the very preamble of the instrument the following passage is found:—

"You shall further the purpose of the said Act to the end that the institutions and methods of Government therein provided shall be laid upon the best and surest foundation, that the people of the said Presidency shall acquire such habits of political action and respect for such conventions as will best and soonest fit them for self-government and that our authority and the authority of our Governor-General in Council shall be duly maintained."

Again, in para. (1) we come across the following words:—

"You shall do all that lies in your power to maintain standards of good administration, to encourage religious toleration, co-operation and goodwill among all classes and creeds."

Para. (2) of the instrument may be quoted in *extenso*:—

"You shall bear in mind that it is necessary and expedient that those now and hereafter to be enfranchised shall appreciate the duties, responsibilities and advantages which spring from the privileges of

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enfranchisement, that is to say, that those who exercise the power henceforward entrusted to them of returning representatives to the Legislative Council being enabled to perceive the effects of their choice of a representative and that those who are returned to the Council being enabled to perceive the effects of their votes given therein shall come to look for the redress of their grievances and the improvement of their condition to the working of representative institutions."

But in spite of this the Ministers in the Punjab issued orders that future recruitment of services in certain departments should be in the proportion of 40 per cent. Muslims, Hindus and others 40 per cent., Sikhs 20 per cent., and that these proportions should also regulate the admission to Government College and the Medical College. The practice in this respect appears to have varied slightly since it was first introduced. I draw the attention of the Commission to questions and answers given in Appendix I. It will appear that this rule of communal proportion does not apply to all departments, but it has not been rescinded in the case of departments to which it was first applied. It is, however, a matter of every-day occurrence in the Province that, in order to satisfy the rule of communal proportions, first-class men belonging to one community are rejected to make room for the second-class men of other communities. The following question and answer in the Council will illustrate this point:—

*Extract from Proceedings of the Council, dated 11th December, 1925.*

Question 2,392. Diwan Bahadur Raja Narendra Nath: Will the Government be pleased to state:—

- (a) The number of new Assistant Surgeons appointed in 1925;
- (b) How many of them were Hindus and how many Mahomedans;
- (c) Whether it is a fact that only five appointments were made, of which only one went to a Hindu;
- (d) Whether a Hindu who stood first on the pass list was superseded by persons who stood much lower on the list;
- (e) Whether the proportion prescribed for admission to the Medical College of students of various communities is still enforced, viz., Mahomedans 40 per cent., Hindus 40 per cent., and Sikhs 20 per cent.
- (f) whether in the appointment of Hindus as assistant surgeons this year the same proportion as is fixed for admission of Hindus to the Medical College was not kept up; and
- (g) if so, why?

Mr. J. G. Beazley: (a) Five provisional appointments have been made;

(b) one Hindu, four Muslims.

(c) Yes

(d) It is a fact that the Hindu who was first in the examination was not offered an appointment.

(e) Yes.

(f) and (g) The proportion of Muslims in the Provincial Medical Service being inadequate, it was considered desirable to take steps to increase it.

Diwan Bahadur Raja Narendra Nath: The proportion of appointment of persons other than Mahomedans is less than forty.

Mr. J. G. Beazley: The proportion of appointments in the last year is given in answer to part (b) of the question.

Diwan Bahadur Raja Narendra Nath: It is less than 40 per cent.

Mr. J. G. Beazley: The honourable member is quite capable of making his own calculation.

Needless to say that there has been heart-burning not only amongst the Hindus, but amongst Sikhs also. A policy like this was not one which could infuse "habits of political action and respect for such conventions" as would "best and soonest fit the people of the Province for self-government," or would induce them "to look for the redress of their grievances and the improvement of their condition to the working of the representative institutions." I may here state that Sir Malcolm Hailey, the present Governor, in course of his first speech in the Council in November, 1924, expressed his view on the question of the extension of communal representation to various spheres of administrative activity in the following words:—

"As for its extension to other spheres of public activity, we desire to act on clear proof of its necessity in each case. It is certainly no universal panacea and it should only be applied where there seems clear proof that the benefits will preponderate. We regard it in short as a political expedient, it belongs to the sphere of curative medicine, and our constant endeavour is to promote in the Province the state of health among all members of the body politic which will make such a remedy unnecessary."

The question of communal representation in services was referred by the Indian National Congress to a Sub-Committee consisting of Lala Lajpat Rai and Dr. Ansari. Both reported against it. It is obvious that recruitment on the basis of caste and creed lowers the standard of efficiency, and infuses into public servants who owe their appointment to caste and religious differentiation, a caste and religious bias. That there should be reservation in favour of backward communities or that no single community should be allowed to monopolise the appointments is a question with which I will deal later. But a majority community cannot simply on the ground of its being in the majority claim a certain proportion of appointments to be reserved for it. Such a community should by the force of its numbers get a proper proportion of the loaves and fishes of office. I explain my meaning by an allegory. Supposing there is a tree bearing luscious fruit, and 200 persons, 120 belonging to one class and 80 belonging to another, are trying to pluck the fruits. Then if their capacity for the necessary physical struggle involved is equal, the class constituting a majority has a better chance of getting a larger share of the fruits than the class which is in a minority. If the majority class does not get a larger share of the fruit there is something radically wrong with the class or community which the leaders should try to remove.

It is highly gratifying to find that within the last five years education has made such a rapid advance amongst the Mahomedans that they have gone ahead of the Hindus, so far as the first four primary classes are concerned, though they were much behind them according to the figures of the census of 1921, as the following figures, which I quote from the speech of the Honourable Malik Ferozekhan Noon, delivered on the 28th April, 1928, will show:—

Class.	Hindus.	Muslims.
I ... ..	112,000	210,000
II ... ..	53,000	84,000
III ... ..	31,000	41,000
IV ... ..	29,000	34,000

This has been achieved without having recourse to the highly objectionable methods adopted in Sind by practically closing in certain parts the door of primary and secondary education to the Hindus.

There is nothing in the present constitution to forbid the reduction of the proportions assigned to Hindus and others from 40 to 20. The claim that a majority community should be given special facilities for entry into Government service is incompatible with its claim for further accretion of political power, or further restriction of interference by an extraneous authority, in other words for Provincial autonomy,





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tion in each case, just as nearly 7 per cent. in excess of the proportion has been reserved for Hindus and others of the Punjab. With the advance of education amongst the Muslims, whose proportion in these two Provinces and Central Province in the urban population is larger than their proportion in the population in the Province, and who for that reason have better facilities for higher education than those living in rural areas the number of fully qualified aspirants for services in their community will increase. I see no justification for putting an arbitrary limit. It was perhaps on considerations like these that the rule of communal proportions was not extended to departments other than the Medical in the Punjab.

A cognate principle, the general application of which to recruitment in services in the country it will be difficult to resist if representation in services on the basis of religion is permitted, is that of distribution of appointments by castes. I may mention, for the information of those who advocate the application of communal representation on the basis of religion to services, that there are Hindu castes in certain Provinces whose number is nearly equal if not larger than that of Muslims in those Provinces. With the spread of education class consciousness is being awakened everywhere. There are numerous caste organisations apart from communal organisations on the basis of religion. It is necessary to give weight to these considerations whilst devising plans for the next ten years, proposing further advance towards democratisation and minimising interference in Provincial matters by any extraneous authority, such as the Governor or the Central Government. There are altogether about 350 castes in India. The following figures for United Province and Behar and Orissa will show how the demand by castes numerically strong will clash with the demand for recruitment by religious communities, or will reduce to a minimum standard the efficiency of the services:—

Province.	T.P. of Muslims.	T.P. of the most numerous Hindu castes.
U.P. ...	6,481,032	1. Brahmans ... 4,513,264 2. Ahirs ... 3,691,294 3. Chamars ... 5,842,900
Behar and Orissa.	3,690,182	1. Brahman Bhumiyar 2,858,595 2. Gavalas ... 3,192,242
C. P. ...	563,574	1. Gaunde ... 2,109,583 2. Kurmi ... 1,253,306

In the Punjab, however, and in the Punjab alone, with the exception of Madras, owing to circumstances to be related below, caste is an important element for recruitment in services.

I have at the outset referred to urban and rural constituencies. The representatives of the rural constituencies naturally predominate in the Council. There is a reference to a rural party in the Council in para. 3 of the Administration Report of the Punjab for the year 1923-24, extract from which is reproduced in Appendix No. II.

I would also refer to the evidence given by Sir John Maynard before the Muddiman Committee. The relevant portions of his evidence are printed in Appendix II. A perusal of the Report and of the evidence given by the late Finance Member will lead one to think that parties in the Punjab Council were being formed in the most natural way. It is not stated in the Administration Report or in the evidence that rural and urban parties in the Punjab Council are formed on the basis of caste and not on any real or supposed difference or conflict of interest that there may be between rural and urban classes. A Khatri, an Arora, or a Vaishya owning thousands of acres of land and paying thousands of rupees as Government revenue is not and cannot be a member of the so-called rural party, but a Jat, a Gujar, an Awan, or a

Mehtam, who owns no land, but has other qualifications under the franchise rules for being a voter, or who owns just enough land to qualify him as a voter, but whose principal source of income is either from one of the learned professions, such as Law or Medicine, or from salary as a Government servant, is a member of the rural party. This anomaly needs a few words of explanation.

We have in the Punjab an Act to regulate the alienation of lands, passed in 1900, during Lord Curzon's regime, referred to in para. 3 of the Administration Report as the "Magna Charta of the Punjab Zemindars," which means Zemindar castes. The Act and the Standing Orders passed under it need careful perusal by the Commission. They are given in Appendix III.

The Standing Order specifies agricultural tribes for each district. A member of an agricultural tribe may without let or hindrance sell or mortgage his land to a member of his own or another agricultural tribe in the district, but he may not do so to a person who does not belong to the privileged group notified by the authorities as such. These tribes, like the tribes of Israel, are immutable. One has to be born into them, but cannot acquire the status except by Government notification. Before sanction is given for transfer of land by an agriculturist to a non-agriculturist, an inquiry is held by the District Officer to find out whether there is any member of an agricultural tribe who is willing to purchase the land at the price offered by the non-agriculturist. If there is anyone, or if the price offered by the agriculturist is not much below the market rate, sanction is withheld. The District Officer is also expected to inquire into the desirability of sale, whether the object of the vendor cannot be met by a mortgage for a short period to a non-agriculturist, the land reverting after the lapse of the period to the owner free of all encumbrances. But a member of an agricultural tribe may buy land on half the current market price, he may acquire on mortgage land without the limitations which the law imposes in case of mortgage to a non-agriculturist. To a member of the agricultural tribes all careers are open. He may be appointed Governor of a Province, or member of an Executive Council, Provincial or Imperial. He may join any profession or he may work at the plough. He may take to trade or banking or open a factory. The disability of a member of the non-agricultural tribe is hereditary, or, described more accurately, the disparity in the right to acquire land, between an agriculturist and a non-agriculturist, passes from father to son. The Land Alienation Act introduces in a manner the caste system of Mannu in the reverse order. The higher castes of the Hindus as a rule, with the exception of the Rajputs, are under a disability, and the lower castes of Mannu's system are the privileged classes. By the lapse of time, the Hindu caste system has lost the rigidity which characterised it in the time of Mannu, so far as the assignment of particular occupations to particular groups is concerned. For centuries the Brahmans have not been confined to the profession of priests, nor the Kashatriya to that of warriors, nor the Vaishyas to that of traders. What remains of the system now is that each caste is endogamous. Caste system as it exists is no hindrance to the working of democratic institutions. So long as every man is free to take to whatever occupation he chooses, democratic institutions can be worked. With education rapidly spreading it is impossible for any particular caste to arrogate to itself a position of superiority. Secular and economic interests have created, and will create, links of union between different castes. But the Land Alienation Act not only reverses the order of caste which Mannu instituted, but places restrictions by a statute on the choice of a profitable career, so far as such choice is effected by obstacles placed on the purchase of land from agricultural tribes, who form the bulk of the landowning classes. It therefore restores to a certain extent the pristine rigidity of Mannu's sys-

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tem. The privilege and prerogatives which the Act confers on capitalists of certain castes which form nearly half of the population of the Province makes the representatives of these castes strictly jealous of any invasion of them. In the extract from the Administration Report of 1923-24, reference has been made as to how the Zemindar bloc threw out a Bill to facilitate the acquisition of land for industrial purposes.

The object of the framers of the Act was twofold, economic and political. The political objects are nowhere clearly stated. The bearing of the law on the introduction of democratic institutions and on the introduction of Responsible Government in India was not even dreamt of.

On the economic effects of the law Mr. Kodand Rao, of the Servant of India Society, has written a series of articles which have been printed in the form of a pamphlet and which are reproduced in Appendix IV for very careful perusal by the Commission. I need not repeat all that he has said. He has, however, clearly shown that (1) the ignorant and the poor peasant has not been protected by the Act, that, on the contrary, he has been exposed to the avarice and the land hunger of the capitalist of the classes with whom he is grouped and which comprise classes belonging to all communities, a Mahomedan exposed to the land hunger of a Sikh and vice versa, (2) That the peasant gets a lower price for his land than he would have got if he could sell his land in an open and not in a restricted market which the Act creates, (3) That a class of moneylenders amongst Hindu and Sikh agricultural tribes has come to the fore, as exacting (if not more) in its transactions with the debtor as any moneylender of a non-agricultural tribe would have been, (4) That amongst Mahomedans there is a marked tendency on the part of capitalist landowners to swallow the lands of small landowners. It is the capitalist landowner who approaches the authorities and who creates the impression that the Act is the panacea of all evils and is looked upon by the landowning classes as their Magna Charta. The ignorant peasant who gets a smaller price for his land than he would have got if the Act had not existed, and who is unable to obtain loans from his own class on easier terms than from the notorious moneylender is inarticulate. About him it may well be said that "The toad beneath the harrow knows exactly where the tooth point goes."

But the toad beneath the harrow is not heard.

Mr. Kodand Rao's conclusions are based on data furnished by Government publications and on opinions formed by Europeans who have taken the trouble of surveying the economic conditions of rural classes.

The political objects of the measure as already observed are nowhere clearly or fully stated. Some of the speeches referred to by Mr. Kodand Rao indicate that the object was to protect the classes from which British Indian Army is recruited. The Subedar or the Risaldar, or even the private who saves some money and can invest it in land is benefited, inasmuch as he acquires the privilege of getting land on easier terms; but not the classes constituting small owners who furnish the recruits. I may, however, state that only Jats and Rajputs amongst agricultural tribes belong to the martial classes. Some Gujjars and Bilochies are also to be found in the Indian Army; but their number is small. The total number of Jats and Rajputs is 5,949,693 or 6 millions in the Punjab. I reckon the total of agricultural tribes at nearly 10 millions, thus nearly two-fifths of the agricultural tribes have hardly any connection with military recruitment.

One of the possible objects of the Act was to protect the contamination of rural classes with urban politics. The introduction of the Reform Scheme and of Responsible Government, and the power of election given to the rural voters, has made the object meaningless. Politics have penetrated into the villages. Political aspirations have entered the

minds of villagers who mean to exercise their vote in shaping the policy of Government. In the politics of the members belonging to rural and urban castes there is no difference, except this, that the former regard the Act which creates an oligarchy of rural castes as sacrosanct, whilst the latter do not. If the spirits of Lord Curzon and Sir Charles Rivaz, sponsors of the Act, were to come to the Council Chambers of the Punjab and to witness the proceedings, they would call it an irony of fate when they discovered that the majority of the members who occupied the Left Wing of the Council Chamber sitting on Opposition benches were members of agricultural tribes. Therefore, so far as even this political object is concerned, the Act is an anachronism.

A policy deemed to be expedient when a foreign bureaucracy rules ceases to be expedient when that bureaucracy surrenders part of its power to the people. The continuance of that policy becomes illogical and absurd according to all canons of administration when the question arises of further surrender (whether complete or not) of that power to the people.

I have had some difficulty in ascertaining the total numerical strength in the Province of the agricultural tribes and of the tribes in each community. The notifications specifying agricultural tribes in each district do not give their population. I have, however, ascertained the population of each tribe community-wise from Table XIII. of the Census Tables. Some of the tribes notified are not given in the Census Tables. But most of them are either sections of Rajputs or of Jats, and the total figures for Rajputs and Jats given in the Census Tables cover them. The tribes whose numerical strength I have been unable to ascertain are the following:—

Abbasi, Usmani, Kassar, Danyials, Khetwall.

They are, however, mostly Mahomedan tribes. The figures, according to my calculations, are:—

Hindu agricultural tribes ... ..	1,697,197
Muslim agricultural tribes, little more than ... ..	6,832,183
Sikh agricultural tribes ... ..	1,521,173
Total agricultural tribes ... ..	10,050,553

I have taken no account in these figures of the notified agricultural tribes of "B" group, which consist of some sections of Brahmans, Marbhi Sikhs and Indian Christians. The Brahmans in this group preponderate. Total population of Brahmans in this Province is 991,589. But it is impossible to find out the population of sections of Brahmans, Christians and others who have been notified in the "B" group. It may, however, be mentioned that these tribes have all the disadvantages of belonging to agricultural tribes but none of the advantages. They can neither sell land to other tribes than their own nor buy from them. They probably asked to be notified as agricultural tribes of the full status; but got only the restricted right. They asked for bread and were given stone. Some of them have since been petitioned being given the full status, but have not succeeded. I do not think that they really need the exemption which has been imposed on them. They have asked for its removal, hoping to attain the full status. They are, therefore, not the agricultural tribes proper so called, and my calculations are about their population does not take account of them which I am going to build. The notified agricultural tribes are 21.1 per cent. of the total population of the Province, including Jains, Buddhists and the Mahomedans are a little over 20 per cent. of the total population. The 66.8 of their population are agricultural tribes of the full status. The population of the notified agricultural tribes is less than half the population of the full status agricultural tribes. It is slightly more than half the population of the notified agricultural tribes. It is assumed to be half the population of the notified agricultural tribes. The exact figures of the notified agricultural tribes are reproduced below.

## MEMORANDUM ON HINDU MINORITY RIGHTS IN NORTH-WEST INDIA.

[Continued.]

records showing the exact figures. He refers me to records which I have already consulted:—

Question 896. Diwan Bahadur Raja Narendra Nath: Will the Honourable the Revenue Member be pleased to state the total population of agricultural tribes specified in groups "A" and "B" separately and the number of Hindus, Muslims and Sikhs in each group?

Honourable Khan Bahadur Mian Sir Fazl-i-Hussain, Kt.

The collection of complete and correct statistics of the nature asked for by the Honourable Member for all notified tribes will entail an elaborate, lengthy and expensive inquiry, and the gain likely to accrue from the statistics does not appear to justify it. The Honourable Member is referred to Table XIII. of the Census Report of 1921, Volume XV., which gives by districts the census figures for main tribes, though all the agricultural tribes included in "A"—district group and "B"—separate group in Appendix to Financial Commissioners' Standing Order No. 1 are not contained in that table.

The number of Mahomedan non-agriculturists is approximately 4,612,138, which is nearly equal to the number of Hindu non-agriculturists, which is 4,919,735 (excluding the Christians). But for various reasons the measure is considered to be a pro-Mahomedan measure. The late Mr. Thorburn, with whom originated the idea of putting restrictions on the sale of land in the manner embodied in the Act, first drew attention of the Government to the necessity of the protection of landholders from the rapacity of Hindu moneylenders in a book called *Musalman and Moneylenders*. Since Mr. Thorburn's book came out the legislature has adopted other measures besides the Land Alienation Act for the protection of borrowers. These will be dealt with in the next section in which I will make suggestions for the protection of the peasantry. The manner in which classes of agriculturists have been grouped as agricultural tribes lend colour to the belief that the Act was intended principally for the benefit of Mahomedans, Pathans, Qureshi, Biloch and Mughals, all Mahomedans are notified agricultural tribes; but it appears from Table XXI of Census Tables that only 19.1 per cent. of the total population of the Pathans and 19.2 per cent. of the total population of Qureshies are dependent upon agriculture or occupations concerned with it. In the case of Biloch and Mughals the percentage is not higher than 23.8 and 21.5 respectively. In the case of Pathans, Qureshies and Mughals I have worked out the figures by taking figures of columns, 9, 10, 11 and 12 of Table XXI, and in the case of Bilochies I have worked out my figures by taking figures of columns 17, 18, 21, 22, 23 and 24 of Table XXI of the Census Tables. But the differentiation made between Brahmins and Sayads, both priestly castes, is most unfair. I drew attention of Government to this injustice by the following question, and the answer given is evasive and indicates the unwillingness of Government to take any action. It does not meet the point raised. That Brahmins in certain tracts need protection from expropriation is admitted by Government. Why Sayads should be in a better position to buy land from, say, Sikh Jats and Rajputs than Brahmins, in tracts in which Brahmins are protected is not explained.

Question No. \*656. Diwan Bahadur Raja Narendra Nath: Will the Honourable the Revenue Member be pleased to state:—

- whether it is a fact that Sayads are notified as an agricultural tribe in the Punjab having a preferential right to purchase land from other agricultural tribes (Hindu, Mahomedan or Sikh);
- whether they are notified as such a tribe in every district of the Punjab in Simla and Kangra where their number is 369 and 353 respectively;

(c) whether Brahmins are notified as agricultural tribes in certain districts forming a separate group by themselves not entitled to purchase land like the Sayads from other agricultural tribes;

(d) whether Brahmins and Sayads in the districts given below have the population respectively shown against them and whether in none of these districts, Brahmins hold the status of agricultural tribes whilst Sayads do:—

District.	Brahmans.	Sayads.
Ludhiana ...	19,621	3,063
Ferozepur ...	19,642	5,011
Lahore ...	31,348	11,830
Amritsar ...	32,470	4,548
Sheikhpura ...	5,715	3,856
Lyalpur ...	11,849	5,867
Gujranwala ...	12,941	7,197

(e) whether the total population of Brahmins in the Punjab is 988,616 and of Sayads 247,087;

(f) whether the following comparative table is a correct synopsis of the figures given in Table XXI of the Census Tables:—

Percentage following traditional occupation of priests.		Percentage who are receivers of rent.		Percentage who are actual tillers of soil, field labourers, woodcutters, raisers of livestock, milkmen and herdsmen.	
Sayads.	Brahmans.	Sayads.	Brahmans.	Sayads.	Brahmans.
12.8	7.7	1.8	1.5	7.5	19.1

(g) whether a larger proportion of Brahmins serve in the Army than that of the Sayads;

(h) if the above facts are correct, will the Honourable Revenue Member be pleased to explain what are the grounds of differentiation between Sayads and Brahmins in their agricultural status—

- in districts in which they are notified as agricultural tribes, and
- in other districts?

The Honourable Mian Sir Fazl-i-Hussain: (a) and (b) Sayads are notified as an agricultural tribe in every district of the Punjab, except in Simla and Kangra. This does not confer any preferential right to purchase lands, but merely entitles them to do so in common with other agricultural tribes;

(c) Yes.

(d), (e) and (f) The figures given in the question are approximately correct.

(g) This information is not readily available.

(h) Notifications of the agricultural tribes in each district are issued according to local circumstances, the main determining factors being—

- that the tribe depends mainly on agriculture, and
- that it requires protection from expropriation by moneylenders of non-agricultural tribes.

For these reasons Sayads have been notified in the districts mentioned. Brahmins have not so been notified as, although there are genuine agriculturists among them the tribe as a whole is not considered by Government to be an agricultural tribe. Where Brahmins (as e.g. Gaur Brahmins) actually form a tribe which can be described as agricultural they have been so gazetted.

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[Continued.]

The Act is supposed to protect tillers of the soil living in rural areas. In my opinion it does not do so adequately, creating, as it does, facilities for the acquisition of land by capitalist landowners grouped with the tillers of soil. In the Punjab 39.5 per cent. of the total urban population is Hindu which is slightly in excess of their proportion in the total population (31.9). Mahomedans are 51.9 per cent. of the total urban population which is slightly less than their proportion in the population (53 per cent. see Table V of the Census Tables of 1921). Amongst tillers of the soil or ordinary cultivators we find that Hindus form 31 per cent. of the total number of such workers, whilst the Mahomedans form 51 per cent. But amongst receivers of rent the Hindus are 22 per cent. and Muslims 59 per cent. In Provinces in which the Mahomedans are in a minority conditions are just the converse of the Punjab. A Hindu Minister by passing land laws of the kind we have in the Punjab will be turning tables against Mahomedans and will be putting them under a similar handicap as the Hindus are in the Punjab. The following figures taken from the Census Tables for United Provinces and Central Provinces would support my view.

Province.	Percentage of Muslims in the population.	Percentage of Muslims in the urban population.	Percentage of Muslims amongst tillers of the soil or ordinary cultivators.
C.P. ...	4	16.9	1.8
U.P. ...	14	36	3

In these two Provinces the proportion of rent receivers amongst Muslims is larger than their proportion in the population. In the United Provinces it goes up to 27 and in Central Provinces up to 10 per cent.

The above figures have been collected from Tables V and XX of the Census Tables of these Provinces. I have given the above figures in the hope that I will secure the support of my Mahomedan fellow-countrymen in the Provinces in which they are in minority. I am not sure if I will get that support. But if a rational view of the interest of minorities were taken there should be no difference of opinion between Hindus and Muslims, or for the matter of that between the Hindu minority and any other minority as to the manner in which the interests of the minorities should be protected. But the most unfortunate feature of the Indian politics of the present day due to communal tension is that proposals made are not judged on their merits but on the source from which they proceed. A proposal coming from a Hindu is apt to be looked upon with suspicion by Muslims and vice versa. I hope that men will be found amongst Muslim political leaders who will be able to rise above this tendency. It is possible that my views may be supported not only by the actual working peasantry in all communities and by nearly half the population of the Punjab which has not been fortunate enough to acquire the status of agricultural tribes, but by all minorities in all other Provinces, including the Muslim minority.

I do not for a moment suggest that a measure like that of the Land Alienation Act would be beneficial to the Hindus in the Provinces in which they are in a majority. It will unnecessarily create a division amongst them. It would create two middle classes, both amongst Hindus and Muslims, whilst it would needlessly create a conflict on the basis of caste between the producer and the manufacturer or the consumer. But power to base the determination of civic rights on caste or creed may go to tremendous lengths. What will prevent a future Hindu Minister of a Province in which Hindus are in a majority from bringing forward a Bill or the like of the

Colour Bar Bill or the Class Area Bill of South Africa and of the Land Alienation Act of the Punjab providing that no Muslim should own immoveable property within a radius of say five miles of the Sacred places of Hindu pilgrimages, e.g., Jawalapur, Hardwar, Kankhal, Chitterkote, Kashi, Mathra and Bindrahan, etc., and that the present owners of such property should be given liberal compensation and their property taken away from them. An incident like that of the Kartarpur riot may recur and a law for excluding Muslims from areas where their presence might lead to breaches of peace may be defended in the name of law and order. Looking upon the distribution of civic rights as distribution of power, and conceding for a moment the principle that power shall be distributed on the basis of the numerical strength of religious communities, how would my Mahomedan friends look upon a law which prescribes that not more than 14 per cent. of land should be owned by Muslims in the United Provinces, and to bring about that object all future sales of land by Muslims should be made to Hindus till the area held by Muslims in excess of 14 per cent. is reduced; for land and capital are instruments of power in society. Such a Minister having a majority of his own community behind his back will be apotheosised by his community and it will become impossible for the Governor to get rid of him. He will threaten to go in opposition and wreck every Minister who comes into power but refuses to adopt his policy.

The only check is the power of veto by the Governor or Governor-General. But the exercise of the power of veto is in the discretion of the Governor or the Governor-General. I would ask my fellow citizens in other Provinces belonging to various minorities whether they would consider the sweet will of the Governor or the Viceroy to be an effective check for the protection of their interests. Would?

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Report, looks upon as its "Magna Charta." The party has assumed a definite shape and has adopted a definite programme only since the second Council came into existence. It was inchoate, and the so-called conflict between rural and urban population was dormant in the first Council. In the second Council that conflict came on the surface, and encouragement to it was given by such expressions of official opinion as that of Sir John Maynard before the Muddiman Committee, to which reference has already been made. The Ministry, as at present composed, has three members, two of whom belong to agricultural tribes and the third to a non-agricultural tribe. He depends for his position on the support of the majority of the Hindu members and of the official *bloc*. Removal of the official *bloc* will make the position of a Minister belonging to non-agricultural tribes manifestly insecure. Purely elective offices, such as those of President and Deputy-President, have been held by members of agricultural tribes. Even under the present dyarchic system the Council Government is Government by an oligarchy consisting of certain castes, which constitute nearly half the population of the Province. Inroads into this strong fortress are possible by the occasional use of the official *bloc*, which seldom if ever lends its help to the non-agricultural minority. The grant of provincial autonomy will make this fortress erected on the foundation of castes absolutely impregnable.

So far the division between urban and rural castes has not manifested itself amongst Mahomedan and Sikh members, and this for more than one reason. The majority of the Mahomedans and the Sikhs respectively belongs to agricultural tribes, and the minority does not wish to incur the opprobrium of the majority by asserting its right or by objecting to a measure which benefits the capitalist landowners, who alone are articulate. The Sikh and Mahomedan representatives in the Ministry have been members of agricultural tribes. A member of the non-agricultural tribe temporarily filled the office of Mahomedan Minister, but he did not hold office long enough to take part in the proceedings of the Council as a Minister. Few persons wish to imperil their chances of being appointed to an office by objecting to a principle with which at heart they may not be in sympathy. I have spoken to more than one Mahomedan and Sikh gentleman of non-agricultural tribes, and they condemn the Act and the policy underlying it. But for reasons stated above do not venture to give expression to their opinions. Thus, nearly half the population of the Province would be unable to have its representatives in the Cabinet if reliance were placed only on the support of elected members. I am not in possession of official secrets, and I cannot say what were the reasons which influenced the Governor in burdening the taxpayers with the salary of a third Minister, whose appointment appeared to the non-Muslim public to be perfectly unnecessary. But I am almost certain that the desirability of replacing a Minister belonging to an agricultural tribe necessitated the appointment of another Minister belonging to an agricultural tribe, so as to maintain the majority of agricultural tribes in the Ministry.

Reverting to the question of distributing appointments by castes, to which I alluded when I was discussing the principles of distributing appointments by religious communities, I would invite the attention of the Commission to a resolution of the Punjab Government passed in October, 1919, with the recommendation of a Committee appointed by the Pre-Reform Council. This resolution is printed in Appendix VI. It fixes the following proportions in various departments for appointments to be set apart for landholders:—

1. Provincial Service of Extra Assistant Commissioners 50 per cent., exclusive of Europeans and Anglo-Indians.
2. Tahsildars and Naib-Tahsildars 66 per cent. The percentage is to be observed in the recruitment of Naib-Tahsildars as Tahsildars

are generally appointed from Naib-Tahsildars and the proportion will automatically work in case of Tahsildars.

3. Munsifs, now called Subordinate Judges, 66 per cent. of non-competitive posts.
4. Excise Department 60 per cent.
5. Agricultural Departments, preference to be given to zemindars who possess equal technical qualifications with others.
6. Veterinary Departments 66 per cent.
7. Co-operative Credit Societies 90 per cent. observed at present and not to fall below 80 per cent.
8. Forest Department 66 per cent.
9. Deputy-Superintendents, Inspectors, Sub-Inspectors of Police 50 per cent. for direct appointments.
10. Medical and Sanitary Departments, preference to be given to zemindars over other candidates if qualifications are equal. In short the general policy of the resolution is to give preference to zemindars where qualified candidates are available.

The majority of the landholders amongst the Muslims and Sikhs are members of agricultural tribes or castes, therefore a privilege conferred on landholders or on hereditary landowners, as explained by the Chief Secretary in his speech, benefits to a large extent the members of the agricultural tribes.

On the 8th of December, 1925, Chaudhri Duli Chand, M.L.C., moved a resolution asking Government to stop recruitment of classes other than agriculturists till the proportions fixed by the Government in 1919 for various departments have been attained. The resolution and the speech of the Chief Secretary accepting mainly the proposal contained in the resolution are reproduced.

## SERVICES.

Chaudhri Duli Chand (Karnal non-Mahomedan rural), Urdu.

Sir, I rise to move my resolution, which runs thus:—

"This Council recommends to the Governor-in-Council that they will be pleased to lay down the following proportions:—

- (i) That the Government circular of October, 1919, re employment of zemindars in Government departments shall be strictly followed by the various Government departments;
- (ii) That, so long as the deficiency of zemindars in the various services is not made good, the recruitment of non-zemindars shall be stopped;
- (iii) That preference should generally be given to a statutory agriculturist."

## Speech by Chief Secretary.

Mr. H. D. Craik (Chief Secretary): "Sir, judging from the very thin House this resolution hardly commands the interest which I should have expected, and I am sorry that the honourable the mover of the resolution has not developed this theme rather more fully than he has. I will have to deal with this resolution in its various parts. As regards Part I., which asks that the Government circular of October, 1919, regarding employment of zemindars in Government departments shall be strictly followed by the various Government departments, I may say at once that Government accepts that part of the resolution. It will interest the House to know that quite recently the Government has taken steps that will, I hope, ensure that greater effect is given to the resolution of 1919. The resolution of 1919, broadly speaking, lays down that in various departments of Government we should aim at obtaining varying percentages of zemindars. Here, Sir, I may turn aside for a moment to clear up a point about the definition of 'zemindars.' The honourable mover said that Government in 1919 accepted the suggestion that the word zemindar should mean anybody who owns lands. That, Sir, is not accurate at all. The



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from the following string of questions put by an ex-Minister, Rai Sahib Chaudhri Chhotu Ram, on the 18th July, 1927.

Question No. \*293. Rai Sahib Chaudhri Chhotu Ram: Will the Chief Secretary kindly supply in respect of the three Muslim Sessions Judges who were referred to as being zemindars in a Government Press communique issued in April or May last the following particulars, or such of these particulars as can be supplied without unreasonable amount of labour and as is not regarded by Government undesirable to supply:—

- (a) the names of these gentlemen;
- (b) whether the gentlemen are statutory agriculturists or zemindars under the broad definition adopted in the resolution of 1919;
- (c) if statutory agriculturists, the tribes to which they belong;
- (d) if zemindars under the broad definition, their native places of residence, the number of generations for which they have held land, and the approximate proportion which the income from agricultural land in the possession of their families bears to income from other sources.

Mr. H. D. Craik: (a) Government prefer in this to adopt its usual practice of avoiding reference to the names of particular officers.

(b) Two of the officers in question are members of tribes notified as agricultural tribes under the Alienation of Land Act. The third belongs to an Afghan tribe of the North-Western Frontier Province.

(c) Of the two officers who are statutory agriculturists one is a Rajput of the Gurdaspur district and the other a Jat of the Mianwali district.

(d) Does not arise.

Question No. \*294. Rai Sahib Chaudhri Chhotu Ram: Will the Honourable Finance Member kindly state:—

- (a) whether or not the figures relating to the proportion of zemindars as given in the consolidated list showing the proportionate representation of classes and communities in the various branches of the public service are based on a definition of the word zemindar under which many non-statutory zemindars would figure as agriculturists;
- (b) whether this definition was found difficult to work and to yield results which were not sufficiently definite, accurate or reliable;
- (c) whether, in order to obtain more reliable data, the Government has altered this definition to that of a statutory agriculturist;
- (d) whether fresh figures are under preparation in accordance with the definition as now altered;
- (e) when it is expected that the fresh figures will be available?

The Honourable Sir Geoffrey de Montmorency: (a) A census of Government servants in the Punjab was held on the 1st January, 1926, Government servants being classified according to religion and as agriculturists or non-agriculturists. The definition of the term agriculturist (or zemindars) given in paragraph 2 of Punjab Government Resolution No. 4572-S, dated the 3rd October, 1919, was adopted for purpose of the census. The definition is so framed as to include all persons whose real interests lie in the land or agricultural callings whether or not they are members of tribes notified under the Punjab Alienation of Land Act.

(b) The definition was found to be subjected to a variety of different interpretation by heads of offices and departments.

(c) The scope of the annual census has now been changed with the object of avoiding differences of interpretation of the definition above referred to. With effect from the Census held on the 1st March 1927, Government servants will be classified according to religion and as members of tribes notified under the Punjab Alienation of Land Act or "others."

(d) Yes.

(e) It is expected that a statement showing the result of the census held on the 1st of March, 1927, will be ready very shortly.

*Zemindars and non-Zemindars in Certain Classes of Public Service.*

Question No. \*295. Rai Sahib Chaudhri Chhotu Ram: Will the Honourable Finance Member kindly state—

(a) Whether appointments to the posts of Forest Rangers, Veterinary Inspectors and Assistant Sub-Inspectors of Police, Head Constables, Tahsildars, Naib-Tahsildars, Kanungos, Patwaris, Zilladars, and Patwaris (Canal), Excise Inspectors and Sub-Inspectors are by competition or by selection;

(b) Whether, ordinarily speaking, zemindars are not better fitted for the duties of the posts specified in (a);

(c) Whether, according to the consolidated statement issued in July, 1926, the following figures correctly indicate the representation of Zemindar and non-Zemindar Hindus in the above posts:—

	Agriculturists.	Non-agriculturists.
Forest Rangers ...	4	20
Subordinate Veterinary Service ...	19	29
Sub-Inspectors of Police ...	88	164
Head Constables ...	257	403
Tahsildars ...	14	25
Naib-Tahsildars ...	31	47
Kanungoes ...	82	245
Patwaris ...	1,045	3,375
Zilladars ...	27	42
Patwaris (Canal) ...	233	852
Excise Inspectors and Sub-Inspectors ...	15	51

(d) Whether Government will consider the advisability of taking necessary steps to improve the obviously inadequate representation of Hindu zemindars in the above posts?

The Honourable Sir Geoffrey de Montmorency: (a) By selection from amongst qualified persons.

(b) This is a matter of opinion, but honourable member is well aware of the views put forward by Government in the resolution of October, 1919.

(c) Yes.

(d) The honourable member is again referred to the resolution of October, 1919, to which Government is resolved to give effect in recruitment.

Question No. 296. Rai Sahib Chaudhri Chhotu Ram: Will the Chief Secretary kindly state—

(a) Whether the minimum standard of education required for the recruitment of the class described as "other clerks" in the consolidated statement issued by the Government in July, 1926, is matriculation;

(b) Whether appointment to the post of "other clerks" is by nomination and not by competition;

(c) Whether the following figures correctly indicate the representation of zemindar and non-zemindar Hindus in this class of appointments

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according to the said consolidated statement:—

	Agri-culturists.	Non-agri-culturists.
Forest Departments ...	7	50
Public Health Department	3	18
Agricultural Department ...	4	21
Financial Commissioners' Office	5	13
Police Department ...	8	31
Office of Land Records ...	Nil	5
High Court ...	9	77
Subordinate Courts...	99	454
Director of Public Instruction's Office ...	Nil	11
Subordinate Offices (Education)	10	51
Legal Remembrancer's Office	Nil	4
Medical Department ...	14	55
Irrigation Works ...	45	206
Public Works Department, Building and Roads ...	7	104
Veterinary Department ...	3	8

(d) Whether Government will consider the advisability of rectifying the inequalities disclosed above?

Mr. H. D. Craik: (a) Generally, yes.

(b) Heads of the departments are empowered to make appointments as they think fit. It is understood that in most departments appointments are made by nomination.

(c) Yes.

(d) The attention of the honourable member is invited to paragraph 18 of Punjab Government resolution No. 4572-S, dated the 3rd of October, 1919.

#### Civil Judicial Branch of the Provincial Service.

Question No. \*297. Rai Sahib Chaudhri Chhotu Ram: Will the Chief Secretary kindly state—

(a) What steps, if any, have so far been taken to consult the High Court on the subject of strengthening the zemindar element in the civil judicial branch of the provincial service;

(b) Whether a final decision will be reached before the next selection of sub-judges takes place?

Mr. H. D. Craik: (a) The High Court has been addressed on the subject. (b) I am unable to say, as I am not aware when the next selection of sub-judges will take place.

#### Judicial Branch of the Provincial Service.

Question No. \*298. Rai Sahib Chaudhri Chhotu Ram: Will the Honourable Member for Finance kindly state—

(a) Whether the figures against "judicial branch" on page 11 of the consolidated statement relate only to the civil judicial branch of the provincial service or cover the criminal judicial branch of the service also;

(b) How many of the 18 Hindu agriculturists, as against 62 Hindu non-agriculturists, belong to statutory agricultural tribes;

(c) How many, if any, among these 18 agriculturists are Jats, Rajputs, Ahirs, Gujars, Sainies or Rors, belonging to Rohtak, Hissar, Gurgaon and Karnal districts;

(d) How many, if any, of the 36 Muslim agriculturists in the judicial branch are Rajputs, Jats, or Gujars from Rohtak, Hissar, Gurgaon and Karnal districts?

The Honourable Sir Geoffrey de Montmorency—

(a) The figures did not include members of the provincial service holding "listed" posts.

(b) to (d) The honourable member is referred to the statement for 1927, which will be supplied to the House shortly, and to the reply which follows to Question No. 299.

#### Police and Judicial Branch of Service.

Question No. \*299. Rai Sahib Chaudhri Chhotu Ram: Will the Honourable Member of Finance kindly state—

(a) Whether it is not a fact that zemindars, Hindu, Muslim or Sikh, of the South-Eastern Punjab are very meagrely represented in the Police and Judicial branches of the service.

(b) Whether any Jat, Rajput, Gujar, whether Hindu, Sikh or Musalman, belonging to Rohtak, Hissar, Gurgaon or Karnal districts has ever been appointed a Deputy Superintendent of Police by direct nomination?

The Honourable Sir Geoffrey de Montmorency: The attention of the honourable member is drawn to paragraph 3 of the answer given by the Honourable Sir John Maynard to questions Nos. 1961 to 1975 of the 6th of July, 1925. As there explained, an annual census is now held showing the communities of public servants in the different branches of the administration, and Government cannot undertake to collect further statistics in regard to the representation of members of different sections of different localities in the public service.

#### Inspector of Police.

Question No. \*300. Rai Sahib Chaudhri Chhotu Ram: Will the Honourable Member for Finance kindly state—

(a) Whether, in answer to a Council question put in 1918, Government gave an assurance that at least one Hindu Jat would be appointed Inspector of Police as soon as possible;

(b) Whether any Hindu Jat has so far been appointed as Inspector of Police by direct nomination or by promotion, and, if not, whether Government will see its way to the fulfilment of that promise now?

The Honourable Sir Geoffrey de Montmorency: I regret that the answer to this question is not yet ready. It will be communicated to the honourable member in due course.

Question No. \*301. Rai Sahib Chaudhri Chhotu Ram: Will the Honourable Member for Finance kindly state—

(a) The principal military tribes in the Rohtak district;

(b) The measure of representation of these tribes among the Constables, Head Constables and Sub-Inspectors of the Police Force in the district?

The Honourable Sir Geoffrey de Montmorency—

(a) The principal military tribes in the Rohtak district are Hindu Jats and Mahomedan Rajputs.

(b) The number of men belonging to those tribes enlisted in the Police Force of this district is as follows:—

	Sub-Inspectors.	Head Constables.	Constables.
Hindu Jats ...	—	7	34
Muhammadan Rajputs	—	3	40
Total ...	—	10	74

Question No. 302. Rai Sahib Chaudhri Chhotu Ram: Will the Honourable the Revenue Member kindly state—

(a) The total number of clerks in the Deputy Commissioner's Office at Rohtak;

(b) The number of clerks who are Jat, Rajput (Hindu or Muslim), Ahir, Sainies and other Brahmins?

Mr. C. A. H. Townsend: (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z) (aa) (ab) (ac) (ad) (ae) (af) (ag) (ah) (ai) (aj) (ak) (al) (am) (an) (ao) (ap) (aq) (ar) (as) (at) (au) (av) (aw) (ax) (ay) (az) (ba) (bb) (bc) (bd) (be) (bf) (bg) (bh) (bi) (bj) (bk) (bl) (bm) (bn) (bo) (bp) (bq) (br) (bs) (bt) (bu) (bv) (bw) (bx) (by) (bz) (ca) (cb) (cc) (cd) (ce) (cf) (cg) (ch) (ci) (cj) (ck) (cl) (cm) (cn) (co) (cp) (cq) (cr) (cs) (ct) (cu) (cv) (cw) (cx) (cy) (cz) (da) (db) (dc) (dd) (de) (df) (dg) (dh) (di) (dj) (dk) (dl) (dm) (dn) (do) (dp) (dq) (dr) (ds) (dt) (du) (dv) (dw) (dx) (dy) (dz) (ea) (eb) (ec) (ed) (ee) (ef) (eg) (eh) (ei) (ej) (ek) (el) (em) (en) (eo) (ep) (eq) (er) (es) (et) (eu) (ev) (ew) (ex) (ey) (ez) (fa) (fb) (fc) (fd) (fe) (ff) (fg) (fh) (fi) (fj) (fk) (fl) (fm) (fn) (fo) (fp) (fq) (fr) (fs) (ft) (fu) (fv) (fw) (fx) (fy) (fz) (ga) (gb) (gc) (gd) (ge) (gf) (gg) (gh) (gi) (gj) (gk) (gl) (gm) (gn) (go) (gp) (gq) (gr) (gs) (gt) (gu) (gv) (gw) (gx) (gy) (gz) (ha) (hb) (hc) (hd) (he) (hf) (hg) (hh) (hi) (hj) (hk) (hl) (hm) (hn) (ho) (hp) (hq) (hr) (hs) (ht) (hu) (hv) (hw) (hx) (hy) (hz) (ia) (ib) (ic) (id) (ie) (if) (ig) (ih) (ii) (ij) (ik) (il) (im) (in) (io) (ip) (iq) (ir) (is) (it) (iu) (iv) (iw) (ix) (iy) (iz) (ja) (jb) (jc) (jd) (je) (jf) (jg) (jh) (ji) (jj) (jk) (jl) (jm) (jn) (jo) (jp) (jq) (jr) (js) (jt) (ju) (jv) (jw) (jx) (jy) (jz) (ka) (kb) (kc) (kd) (ke) (kf) (kg) (kh) (ki) (kj) (kk) (kl) (km) (kn) (ko) (kp) (kq) (kr) (ks) (kt) (ku) (kv) (kw) (kx) (ky) (kz) (la) (lb) (lc) (ld) (le) (lf) (lg) (lh) (li) (lj) (lk) (ll) (lm) (ln) (lo) (lp) (lq) (lr) (ls) (lt) (lu) (lv) (lw) (lx) (ly) (lz) (ma) (mb) (mc) (md) (me) (mf) (mg) (mh) (mi) (mj) (mk) (ml) (mm) (mn) (mo) (mp) (mq) (mr) (ms) (mt) (mu) (mv) (mw) (mx) (my) (mz) (na) (nb) (nc) (nd) (ne) (nf) (ng) (nh) (ni) (nj) (nk) (nl) (nm) (nn) (no) (np) (nq) (nr) (ns) (nt) (nu) (nv) (nw) (nx) (ny) (nz) (oa) (ob) (oc) (od) (oe) (of) (og) (oh) (oi) (oj) (ok) (ol) (om) (on) (oo) (op) (oq) (or) (os) (ot) (ou) (ov) (ow) (ox) (oy) (oz) (pa) (pb) (pc) (pd) (pe) (pf) (pg) (ph) (pi) (pj) (pk) (pl) (pm) (pn) (po) (pp) (pq) (pr) (ps) (pt) (pu) (pv) (pw) (px) (py) (pz) (qa) (qb) (qc) (qd) (qe) (qf) (qg) (qh) (qi) (qj) (qk) (ql) (qm) (qn) (qo) (qp) (qq) (qr) (qs) (qt) (qu) (qv) (qw) (qx) (qy) (qz) (ra) (rb) (rc) (rd) (re) (rf) (rg) (rh) (ri) (rj) (rk) (rl) (rm) (rn) (ro) (rp) (rq) (rr) (rs) (rt) (ru) (rv) (rw) (rx) (ry) (rz) (sa) (sb) (sc) (sd) (se) (sf) (sg) (sh) (si) (sj) (sk) (sl) (sm) (sn) (so) (sp) (sq) (sr) (ss) (st) (su) (sv) (sw) (sx) (sy) (sz) (ta) (tb) (tc) (td) (te) (tf) (tg) (th) (ti) (tj) (tk) (tl) (tm) (tn) (to) (tp) (tq) (tr) (ts) (tt) (tu) (tv) (tw) (tx) (ty) (tz) (ua) (ub) (uc) (ud) (ue) (uf) (ug) (uh) (ui) (uj) (uk) (ul) (um) (un) (uo) (up) (uq) (ur) (us) (ut) (uu) (uv) (uw) (ux) (uy) (uz) (va) (vb) (vc) (vd) (ve) (vf) (vg) (vh) (vi) (vj) (vk) (vl) (vm) (vn) (vo) (vp) (vq) (vr) (vs) (vt) (vu) (vv) (vw) (vx) (vy) (vz) (wa) (wb) (wc) (wd) (we) (wf) (wg) (wh) (wi) (wj) (wk) (wl) (wm) (wn) (wo) (wp) (wq) (wr) (ws) (wt) (wu) (wv) (ww) (wx) (wy) (wz) (xa) (xb) (xc) (xd) (xe) (xf) (xg) (xh) (xi) (xj) (xk) (xl) (xm) (xn) (xo) (xp) (xq) (xr) (xs) (xt) (xu) (xv) (xw) (xx) (xy) (xz) (ya) (yb) (yc) (yd) (ye) (yf) (yg) (yh) (yi) (yj) (yk) (yl) (ym) (yn) (yo) (yp) (yq) (yr) (ys) (yt) (yu) (yv) (yw) (yx) (yy) (yz) (za) (zb) (zc) (zd) (ze) (zf) (zg) (zh) (zi) (zj) (zk) (zl) (zm) (zn) (zo) (zp) (zq) (zr) (zs) (zt) (zu) (zv) (zw) (zx) (zy) (zz)



## MEMORANDUM ON HINDU MINORITY RIGHTS IN NORTH-WEST INDIA.

(Continued.)

I find it difficult to reconcile the policy underlying the resolution of 1919 of the Punjab Government with that of the Alienation of Land Act. The object of the Act was to prevent the "detrimentalisation" of land, to prevent the transfer of land from castes which by heredity and tradition are good farmers and live on the land to castes who live in towns and are merely receivers of rent. I do not see how the object of the Act is achieved by giving every possible facility to agricultural castes to take such an urban pursuit as Government service, dissociating them from farming and agriculture. If a man spends the best part of his life in Government service, holding an executive or judicial office, I fail to see what is left in him except caste to qualify him for a preferential right for the acquisition of land. In what respect is he different from a man belonging to a non-agricultural caste, who acquires wealth in a profession or in service and wishes to invest it in land on which he proposes to settle? Neither of them knows how often a field of wheat or cotton should be ploughed before sowing, and how often it should be watered after sowing. A young man belonging to an agricultural caste, born in a village, and educated in a village school, moves at the age of 12 or 14 to a high school in a town. After passing his matriculation examination, he comes to an important university town, and there studies subjects which have no direct bearing on agriculture and gets a degree. He then proceeds to Europe and qualifies for a profession unconnected with agriculture. He probably inherits a smallholding, which he lets out to tenants on rent. His income from his profession is twenty times the income from his land. Naturally, he devotes more attention to that part of the work which brings him more money. He forgets how to appraise the produce of an acre of wheat, possibly he never knew it. He begins to take interest in politics and becomes a party leader.

I have made enquiries from other Provinces whether there are any orders of Government giving preference to landowners for appointments in various departments. The reasons given in the resolution of the Punjab Government are applicable to the landowning classes all over India. Land revenue is the principal source of income in every Province. Contribution by landowners to the finance of the State is the largest. In no other Council, so far as my enquiries go, the landowning classes (not to speak of the landowning castes, which are a creation pure and simple of the Land Alienation Act) have a separate political party of their own. In no other Province is any preference given to landowners for Government appointments. Communal considerations no doubt weigh with the authorities in making recruitment, but nothing else clashes with this division. The resolution of the Punjab Government, on which the rural party bases its claims to preferential treatment and facilities for entry into Government service, which, as already indicated, is a novel feature of the policy of the Punjab Government, is, in my humble opinion, directly opposed to the policy laid down by the Court of Directors in their despatch No. 44, dated 10th December, 1834, accompanying the Act of India of 1833, which, for the first time, enacted section 87 removing disqualifications on the basis of caste and creed. The following passage occurs in the despatch:—

*"But the meaning of enactment we take to be that there shall be no governing caste in India, and that whatever other tests of qualifications may be adopted distinction of race and religion shall not be of the number."*

In Muslim India, excluding the territories governed by Hindu rulers, there was never any governing caste. Birbal was a Bhatt, Raja Todarmall was a Khatri, Man Singh was a Rajput. Later on, during the reign of the Nawabs of Oudh, if Jhaulall was a Kayastha, Raja Mehra was a Jhiwar. During Maharaja Ranjit Singh's reign Dogras were the Wazirs, Muslim Sheikhs and Sayads held positions of Provincial Governors and Foreign Ministers, and Brahmans the offices of Diwans. There was not thus a caste, but a group of

castes from which officers were recruited. As people living in urban areas had better facilities for acquiring education than those living in the country, as is the case even now, not only in India, but even in some European countries, the urban population naturally got more posts. This is one of the reasons why Mahomedans in United Provinces, Central Province and Behar and Orissa have a larger share in the services of these Provinces than would fall to them on a population basis. Punjab is the only Province in which, to belong to an urban area, entails several disqualifications. The resolution creates a partial monopoly of the rural castes. It revives the evil which the Despatch quoted above tried to remove, and which, as the data already given about the constitution of the Council and of the electorate fully prove, a further devolution of power to the people of Punjab will perpetuate. The Land Alienation Act, designed purely as an economic measure, has thus led to many political offshoots. It led to the enunciation of the policy laid down in the resolution of 1919, and it has led to the creation of a rural party in the Council which is already the largest single group, and which, by removal of the official bloc, will form the ruling majority.

Democracy and democratic institutions are based on the idea of the equality of human beings. A few years ago a Committee was appointed by the Legislative Assembly to remove inequalities of procedure in Criminal Courts in trials between Indians and Europeans. The Committee succeeded in softening marked inequalities. A great deal of resentment was shown over the Anti-Asiatic Legislation in South Africa. We have, however, in our Province an analogous measure which has been relegated to the limbo of oblivion by politicians of other Provinces. None of those who frame constitutions know what part this measure will play in the politics of the Province in future, and what bearing it will have on the question of Provincial autonomy.

## SECTION II.—REMEDY PROPOSED.

I am not prepared to deny the desirability of a protective law; but it should not be framed in a manner so as to be tribal in its operation. It should not be of such a nature as to foster the growth of political parties on the basis of caste. Tillers of the soil and peasant proprietors of all castes and creeds may be protected against all castes and creeds. In other words, the Land Alienation Act should be divested of its political features and should be reduced to a law purely protective of the peasantry. Such a law may be framed for the whole of India and not for the Punjab alone. Before describing the scheme of the future law, I may mention that, since Mr. Thorburn's book, to which reference has been made in the previous page, was published in 1886, two important additions have been made to the Statute Book for the protection of borrowers. Section 16 of the Indian Contract Act in its present amended form (the amendment having been made by Act VI. of 1899) is given below, and may be compared with Section 16 of the old Act, which is also reproduced for comparison:—

16 (1) A contract is said to be induced by "undue influence" where the relations subsisting between the parties are such that one of the parties is in a position to dominate the will of the other and uses that position to obtain an unfair advantage over the other.

(2) In particular and without prejudice to the generality of the foregoing principle, a person is deemed to be in a position to dominate the will of another.

(a) Where he holds a real or apparent authority over the other, or where he stands in a fiduciary relation to the other; or

(b) Where he makes a contract with a person whose mental capacity is temporarily or permanently affected by reason of age, illness, or mental or bodily distress.

(3) Where a person who is in a position to dominate the will of another enters into a contract with him and the transaction appears, on the fact or it or on the

## MEMORANDUM ON HINDU MINORITY RIGHTS IN NORTH-WEST INDIA.

[Continued.]

evidence adduced, to be unconscionable, the burden of proving that such contract was not induced by undue influence shall lie upon the person in a position to dominate the will of the other. Nothing in this subsection shall affect the provision of Section III. of Indian Evidence Act, 1872.

*Illustrations.*

(a) A, having advanced money to his son B, during his minority, upon B coming of age obtains by misuse of parental influence a bond from B for a greater amount than the sum due in respect of the advance. A employs undue influence.

(b) A, a man enfeebled by disease or age, is induced by B's influence over him as his medical attendant, to agree to pay B an unreasonable sum for his professional service. B employs undue influence.

(c) A, being in debt to B, the moneylender of his village, contracts a fresh loan on terms which appear to be unreasonable. It lies on B to prove that the contract was not induced by undue influence.

(d) A applies to a banker for a loan at a time when there is stringency in the money market. The banker declines to make the loan except at an unusually high rate of interest. A accepts the loan on these terms. This is a transaction in the ordinary course of business, and the contract is not induced by undue influence.

This section was substituted for the original Section 16 by the Indian Contract Amendment Act VI. of 1899, S. 2.

The section, before it was amended, read as follows:—

“‘Undue influence’ is said to be employed in the following cases”:—

“(1) When a person in whom confidence is reposed by another or who holds a real or apparent authority over that other, makes use of such confidence or authority for the purpose of obtaining an advantage over that other, which, but for such confidence or authority, he could not have obtained”;

“(2) When a person whose mind is enfeebled by old age, illness, or mental or bodily distress, is so treated as to make him consent to that to which, but for such treatment, he would not have consented, although such treatment may not amount to coercion.”

There were no illustrations appended to the old section.

Act X. of 1918, called the Usurious Loans Act, empowers courts to relieve the debtor of any excessive interest, reopen any account and to revise security.

In addition to this, if necessary a new law may be framed applicable to all landowners irrespective of caste and creed owning small holdings, say, of areas varying from 25 to 50 acres according to the productiveness of the land restricting alienation or sale of land in execution of degrees. I would not give preferential rights of purchase to one set of castes over another. It is not impossible to work out details. When the Land Alienation Act was passed a set of elaborate instructions became necessary, and I see nothing impracticable in framing another set of instructions based on a restrictive law framed on the lines suggested by me. Executive Officers, instead of trying to find out as they do now whether a purchaser of one of the notified groups is forthcoming or not, will have, in the first place, to find out whether the intending alienor's purpose cannot be served by temporary alienation of land described in the Land Alienation Act. If no person is found to accept temporary transfer the landowner will not be permitted to make a permanent alienation to whosoever he likes in an open and not restricted market. The point for the Executive Officer will be to see whether temporary alienation is possible or not, and not to look to the caste or tribe of the temporary or permanent alienee. I may here mention that Mr. Kodand Rao's constructive suggestions given at the conclusion of his papers, which are printed in the Appendix, go much beyond what is needed. He advocates a radical change in the system of our land tenures and rent laws. The remedy

which I will propose aims at the condemnation of a vicious principle which a ruling majority in a representative system of Government may employ in various ways and forms. It is difficult to foresee how the principle which is opposed to the basic principles of democracy may assume various forms and shapes. I propose no changes in the existing law except those which are consequential on the adoption of my proposal. My scheme of a protective law also is not open to the general objection that protective laws frustrate their own end.

An attempt on my part to restrict the Act to its economic sphere failed, as the following question and answer in the Council will show:—

*Agricultural Indebtedness.*

Question No. 223, dated 18th July, 1927.

Diwan Bahadur Raja Narendra Nath: Will the Financial Commissioner be pleased to state—

- (a) Whether the answer given by me to question No. 6 of the questionnaire issued by the Royal Agricultural Commission (reproduced below for facility of reference) has been brought to the notice of Government;
- (b) Whether Government propose to take any action on the line suggested by me therein;
- (c) The reason for refusal or hesitancy to take action in case no action is contemplated?

*Answer to Question No. 6 (c) of the Agricultural Commission.*—In the Punjab the right of mortgage and sale is already restricted by the Land Alienation Act. The right should be restricted further. The Act operates in two ways. It restricts the right of alienation and it gives a preferential right for the acquisition of land by purchase or mortgage to wealthier individuals in the same class. It is time that, while the restrictive aspect may be maintained in respect of the poorer or the more ignorant classes, the richer and the better-educated classes who do not need restriction, but who benefit by the privilege which the Act confers, should be exempted from the operation of the Act under Section 24; for instance, I would exempt the following classes from the operation of the Act:—

- (1) Men who have taken to Government service or to professions, such as the Law, or Medicine, or Teaching.
- (2) Government pensioners drawing a pension of more than Rs. 100/- per month.
- (3) Jagirdars in receipt of Jagirs of more than a 1,000/- a year.
- (4) Persons who pay more income tax than land revenue.
- (5) All ex-members of a Provincial or Imperial Cabinet.

Some agricultural classes have taken to moneylending and yet they enjoy the privilege of a preferential acquisition of land. The whole subject needs a thorough enquiry, with a view to carry the principles of the Act to its logical and legitimate conclusions and to prevent the expropriation of poorer and more ignorant owners by the richer and better-educated rural middle-class which has come into existence within the last 25 years.

*Answer.*—Mr. C. A. H. Townsend: (a) Yes.

(b) No.

(c) Government is not aware that of the classes whose rights of alienation have been restricted some desire to have the restriction removed and others to have it made more stringent. No representation on the subject from them has reached Government. Whether the scope of the possible alienees be further reduced is a matter on which there are not sufficient data available to enable Government to hold that the suggested amendment is necessary in furtherance of the object of the enactment.

The answer of the honourable member, who presumably voiced the opinion of the Honourable Revenue Member (himself a member of an agricultural tribe) is evasive and the only justification that I can imagine

## MEMORANDUM ON HINDU MINORITY RIGHTS IN NORTH-WEST INDIA.

[Continued.]

is his reluctance to make a change which will be unacceptable to the Council as a whole, and which would deprive the major portion of it of a powerful political weapon.

The Indian Legislature has the power of making laws on matters purely provincial, Section 65 (1) (a) of the Government of India Act. As far as I am aware this power has not been exercised within the last eight years in framing a law which is purely provincial in its application. Provincial autonomy would be meaningless if Central Legislature is empowered to deal with legislation which is purely provincial in its character. I do not know whether Section 65 will be retained in its present form. But even if it were the Central Government would not legislate oftener on provincial matters than it has done in the past. As the rules stand at present no resolution on matters with which Provincial Governments are primarily concerned can be allowed in the Assembly, much less legislation dealing with purely Provincial matters. Therefore, the political conditions created by the Land Alienation Act cannot be wiped off by anything which Government of India can at present do or is likely to do in future.

No change in the franchise will remove it. A reference to Schedule 2 attached to the Punjab Electoral Rules, which gives the qualification of voters in rural and in urban constituencies, will show that property qualification, payment of rent for house occupied or payment of income tax and payment of land revenue is necessary. It will not be just to remove only the qualification with regard to the payment of income tax whilst retaining property qualification for others. Lowering of the property qualification will not alter the preponderance of voters belonging to agricultural tribes, for if the number of voters belonging to non-agricultural tribes is thereby increased the number of voters belonging to agricultural tribes will also be increased *pro tanto*.

In rural areas houses are seldom given on rent. Even manhood suffrage will not change the situation. I may here mention that manhood suffrage does not exist even in England. Under the Representation of the People Act of 1918, male electors must have resided and occupied business premises of an annual value of not less than £10. Franchise has been extended in England gradually. By the Reform Act of 1832 only 3 per cent. of the population were enfranchised. In 1867 it increased to 9 per cent. and in 1884 to 18 per cent., and, finally, in 1918, to 50 per cent. The standard of literacy in the Punjab is very low; according to the Census of 1921 it is nearly 4 per cent. Within the seven years that have since elapsed there could not have been much change. The constitutional advance that the Commission will propose will wait for its introduction till free and compulsory primary education and universal literacy become accomplished facts. Classes that own no property in rural areas will be entirely under the influence of classes who own property. To give the right of voting to tenants-at-will (tenants who can be ejected on six months' notice) will only increase the influence of the landlords and of the landowning classes. The creation of a second chamber, for which a much higher property qualification will be required, will also favour the capitalist landowners of certain castes who at present preponderate in the Council.

Therefore, in the Punjab the problem of the protection of minorities has to be considered on two lines, the communal or the religious line, and a caste line. In both cases the minority to be protected is very important, considered even numerically. In the case of the caste minority there is the additional fact that the representation of the agricultural castes is far in excess of the proportion of its number in the population—an excess which no reasonable change in the franchise rules can immediately remove. Most of our political leaders have condemned communal representation. The Commonwealth of India Bills, framed by Dr. Besant and Mr. Lansbury, of the Independent Labour Party, separately propose reservation of seats

for Europeans and Muslims for a period of five years. The Committee appointed by the Indian National Congress, consisting of Dr. Ansari and Lala Lajpat Rai, have deprecated the idea of introducing communal representation in services. Reference to it has already been made. But it has never been suggested how to interdict communal representation in services and in other spheres of administrative activity.

Both the Bills (by Dr. Besant and Mr. Lansbury) propose the appointment of a Public Service Commission, but there is nothing in them to prevent the Executive Government from directing the Public Service Commission to proceed on communal lines. Section 96 (c) of the Government of India Act of 1919 provides for the appointment of the Public Service Commission, communal representation is mentioned only in one place, Section 72 (c) (4), where reference is made to communal representation for the purpose of election. This Act, as also the Commonwealth of India Bills, are silent on the point of the extension of communal or caste representation in other spheres, with the result that we have in the Punjab communal representation for services in certain departments of Government, caste representation in all the departments of Government, and communal representation for admission to educational institutions. Bombay Government has fixed percentages for the admission of various communities to the education institutions, vide Resolution No. 3,464, dated 30th March, 1925, viz., for the High Schools of Hyderabad, Shikarpur, Larkana, Mahomedans 50 per cent., Hindus 50 per cent., for the High Schools of Nowshera Madrasa, Mahomedans 75 per cent. and Hindus 25 per cent. I learn from newspapers that Bombay Government has prescribed different conditions for the Hindus and Mahomedans for the purchase of Crown lands. It is a matter of common knowledge that our local bodies waste a good deal of time in squabbles over the representation of different communities in services under them. Local bodies are in direct touch with the local and rural areas which they administer. What transpires in them passes down more easily to the population around than what takes place in Councils, Provincial or Imperial. A communal spirit evinced by our representatives filters down to the masses and is one of the main causes of friction between the communities manifesting itself often in outbursts of violence. *The question, therefore, is have we only to content ourselves with expressions of opinion condemning caste and communal representation beyond certain limits or should the future constitution be framed in such a way as to forbid its unrestricted operation. I am decidedly of opinion that there should be inserted a clause in the constitution condemning this vicious principle with a schedule of exceptions to suit the present conditions of society.*

Joint electorates will not prove the panacea for all evils. It is on the assumption that the introduction of joint electorates will make it impossible for a ruling majority to show any spirit of partiality on the basis of caste and creed that the two Commonwealth of India Bills are silent on the question of determining civil rights on the basis of caste and creed. This assumption is, in my opinion, wholly erroneous. The spectre of communalism will continue to stalk for long in the Councils of the Indian Empire, even after separate electorates have ceased to exist. In fact the demand for joint electorates on the ground that their introduction will make the different castes and communities in India a nation appears to me to be an instance of argument in a circle. Those who insist upon separate electorates do so because the different communities of India do not form a homogeneous whole. The answer that separate electorates have created the differences (as a matter of fact they have only accentuated them) assumes that differences exist. My objection to separate electorates for a majority community is based on a different ground altogether and applies only to Provinces where a majority community wants separate electorates in spite of protest by a minority community.

## MEMORANDUM ON HINDU MINORITY RIGHTS IN NORTH-WEST INDIA.

[Continued.]

In short a clause in the constitution laying down limits within which only communalism may operate is badly needed. Sub-clause F of Clause 7 of Dr. Besant's Bill, and Sub-clause F of Clause 8 of Mr. Lansbury's Bill, which I reproduce below, does not meet the object which I have in view:—

"All persons residing within the Commonwealth, whether permanently or temporarily, are equal before the law, and no distinction of Court or Judge shall be made between one class of person and another with respect to similar legal matters or offences."

Article 128 of the Constitution of Czechoslovak Republic, which I give below, runs very much on the lines on which a clause is needed in the Indian Constitution.

## CZECHOSLOVAK CONSTITUTION.

## CHAPTER VI.—PROTECTION OF NATIONAL RELIGIOUS AND RACIAL MINORITIES.

Article 128.—(1) All citizens of the Czechoslovak Republic shall be in all respects equal before the law and shall enjoy the same civil and political rights, without distinction of race, language, or religion.

(2) Differences in religion, creed, faith or language shall not prejudice any citizen of the Czechoslovak Republic in any way, within the limits laid down by general laws, particularly in regard to public employment, office of honours and to the exercise of any trade or calling.

(3) All citizens of the Czechoslovak Republic may, within the limits laid down by the general law, freely use any language whatsoever, whether in private or business affairs, or in matters of religion, in the Press or in publication of any kind, or in public meetings.

(4) The foregoing provisions shall be without prejudice to the rights of State authorities in such matters in virtue of laws at present in force or hereafter promulgated for the purpose of ensuring public order, the safety of the State or effective supervision by the State.

Some of my friends whom I consulted and who probably had only a superficial glance at the above article were inclined to the view that it was substantially the same as Section 96 of the Government of India Act. A careful comparison of the article with Section 96 will show that the former goes much beyond the latter, which removes disability to hold office by reason of religion, place of birth or descent. The former lays down that none of these matters shall "prejudice" anyone for employment in public services. In the Punjab it is a matter of everyday occurrence that out of two candidates belonging to different castes or communities, the man with inferior qualifications, provided he possesses the minimum qualifications prescribed, is preferred to the man of superior qualifications, if it is the policy of Government to encourage the recruitment of that community or caste. The man who is rejected is "prejudiced" on account of his caste or creed. A man belonging to a tribe which has not been notified is prejudiced in the acquisition of land from vendors belonging to agricultural tribes. But the word "calling," which occurs in paragraph 2 of the article, does not cover the case of preferential right to purchase land from vendors of a certain class. Besides the article if adopted in our constitution will necessitate many administrative changes, which I do not at present advocate. I would confine myself to postulating equality in the rights of citizens for which the preceding pages have shown ample necessity. I am glad to observe that in the Swaraj Constitution framed by Mr. Srinivasa Iyenger, paragraph 2, Article 128, of the Czechoslovak Constitution has been inserted (see page 8 of the Constitution), and that all Parties Conference has also recommended the adoption of this clause in the paragraph dealing with the "declaration of rights." Perhaps the conversations and correspondence with Mr. Iyenger,

which I had at Simla last summer, have convinced him that the provision which does not exist in the two Commonwealth of India Bills is necessary.

I would, however, suggest the following draft:—

## Draft Clause.

Subject to such domiciliary rules or laws which local Governments may, with the sanction of the Government of India, frame for recruitment to Provincial and subordinate services, no law or administrative order, containing general directions shall impose any civic disability on any caste or community of His Majesty's Indian subjects, or introduce disparity of conditions for the acquisition of any civic right, discriminate between any caste or creed of His Majesty's Indian subjects for the acquisition of any civic right including the right of recruitment to services (civil and military), or deny equal conditions and opportunities to all. All existing laws, rules and orders in contravention of the above provision whereby any one is prejudiced on account of his caste or creed in the acquisition of any civic right representative institutions.

*Exceptions.*—(1) Fixation of communal seats for representative institutions.

(2) All appointments to be made by the King.

(3) Provision of seats in the Cabinet.

(4) With due regard to efficiency the reservation of one-third of appointments from general and open competition, to encourage the recruitment of backward communities and to redress communal inequalities, the proportion so reserved for civil appointments being maintained and borne in mind for military appointment also, to encourage the enlistment of persons who do not generally offer themselves for recruitment to the rank and file of the army.

(5) Award of scholarships or remission of fees with the view of encouraging the spread of education amongst backward classes.

(6) Separate electorates (a) for Provincial Council and Legislative Assembly in the case of minority communities to be named and in Provinces to be specified in schedule, (b) for local bodies in accordance with the wish of the representatives of the minority community as expressed by the majority of the members belonging to the community on the local body concerned, and ascertained by Local Government.

7. Composition of Public Service Commission for Imperial or for Provincial Services and of Staff Selection Boards.

8. Award of scholarships to encourage the study of Hindi and Sanskrit literature by non-Hindus and Arabic and Persian literature by non-Muslims.

9. The establishment, if necessary, of separate schools for classes who, on account of some local custom, cannot be admitted into ordinary schools.

Nothing in this section relates to the right of entry to or exclusion from temples based on custom or tradition of various communities or interferes in any way with the right of the State authorities to maintain law and order, or to adopt means for the suppression of crime or to supervise and regulate the conduct of classes addicted to crime.

I confess that the draft is a clumsy one, and perhaps the schedule of exceptions is unnecessarily long; but it explains to what length I am prepared to allow exceptions. The law officers of the Crown will, I hope, feel no difficulty in giving a legal shape to the ideas which I have given above. I will now say a few words with regard to each exception:—

Provincial Service may be open only to persons domiciled in the Province. I would not allow, for instance, Indians from Bengal or Behar to compete for the Provincial Service in Burma.

*Exception 1.*—This is necessary, for I advocate reservation of seats for important communities. I see no need to confine reservation to a minority community only. The number of members for each representative body being fixed, the number to be elected by a

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[Continued.]

majority community is fixed automatically by the fixation of seats for minorities. Why should not the seats of a majority community also be fixed?

*Exception II.*—The King is above the constitution. My object is to prevent abuse of authority by a ruling majority through its Ministers. I doubt if it is at all necessary to have this exception.

*Exception III.*—I want no important community to be excluded from the Cabinet.

*Exception IV.*—I do not advocate monopolies, but I would not name any community or caste for which this reservation is made. For all India or Imperial Services a reservation of the sort proposed already exists. I want the principle to be extended to all services, Provincial or those pertaining to local bodies.

On the 4th of May, 1923, Rai Sahib Ganga Ram moved the following resolution:—

This Council recommends to Government that steps may be taken to introduce the training of military drill and the use of firearms, along with the physical drill, in all the Government recognised colleges.

Extracts from my speech and that of Sardar Harbakhsh Singh, member for Hoshiarpur, given in Appendix VII., will show the mentality of the so-called martial classes towards the question of encouraging the recruitment of non-martial classes in the Army. The honourable member would not even allow military training in the colleges for all and sundry. Extracts from my speech and that of Sardar Harbakhsh Singh are given in the Appendix. I have received credible information that, during the last war, Meghs of Sialkote district, who are a depressed class, but who have been reclaimed by the Arya Samaj, offered their services for the Army. They were told that they could be taken only if they would embrace Sikhism. They refused to do so. The Punjab Government has always borne in mind the claims of backward communities and has tried to prevent the undue preponderance of any one community in the services, but neither the Muslim nor the agricultural majority is satisfied. The Muslim majority wants its representation in services in proportion to its population, whilst the agricultural majority insist upon strict fulfilment of the proportions laid down in the Resolution of 1919, a demand which the local Government will be unable to resist when provincial autonomy is given, though even now Government has never contested the rule of proportions fixed by the resolution of 1919, nor the demand of the Muslim majority for recruitment in proportion to population.

*Exception V.*—To award scholarships or to grant remission of fees is a better way of encouraging education amongst backward classes than to fix proportions for admission to educational institutions. By fixing proportions rejected candidates of an advanced community lose something. Education in the country as a whole makes no advance. The progress of education in certain classes is stopped or retarded in order to make room for backward classes and to enable them to come up to the level of the more advanced. By the award of scholarships to students of backward communities or remission of their fees the advanced community as such loses nothing.

*Exception VI.* I do not force joint electorates on minority communities which do not want them.

*Exception VII.*—In the personnel of the Public Services Commission all important communities must be duly represented.

*Exception VIII.*—This exception is for carrying out one of my favourite schemes for nationalisation. Although advocacy of the cause of the Hindu community gives a communal tinge to all that I have said in these pages, I do look forward to nationalisation, which is my goal. My only difference with leading public men is that they wish to bring about union by pacts and agreement, whilst I think that nationalisation has to be achieved gradually and slowly. The first step towards the attainment of that end is to bring up the future generations in an atmosphere which fosters a spirit of appreciation of each other's culture. My

scheme is propounded in a resolution which is printed in Appendix VIII. Shuddhi and Tabligh may proceed unchecked, but they will make little progress in converting each community to the religion of the other. The study of Hindu literature by Mahomedans and of Mahomedan literature by Hindus will bring them nearer together than either Shuddhi or Tabligh.

*Explanation IX.*—In Southern India there may be difficulty in admitting untouchables into ordinary schools, hence the exception.

The last para. is important, for in course of my official career it was once my painful duty to quell a disturbance due to some non-Hindus claiming entry into Hindu temples. I also exempt from the operation of this clause the Criminal Tribes Act or any other Act for the suppression of crime.

I do not think the differences of Procedural Law for the trial of civil and criminal cases are covered by the clause proposed; but if they are I would add the following words:—

“or to effect the law of procedure for civil and criminal trials of different classes of His Majesty's subjects.” I do not pose as a champion of the cause of “liberty, fraternity and equality.” My present object is twofold: (1) To destroy the weeds that interfere with the growth of the plant of responsible Government in the Punjab, and stand in the way of its political advancement, and (2) to help the process of nationalisation, on which I shall dwell later. I wish to avoid all other controversies. I express no opinion one way or the other on differences of procedure which various Acts prescribe, such as the Frontier Crimes Regulation or the Sind Encumbered Estates Act of 1876, the Dekkan Agriculturist Relief Act of 1879, or the Jhansi Encumbered Estates Act of 1882. If Parliament decides that Indians can safely make a further approach towards “liberty and equality,” I would welcome such an attitude. But I am only aiming to bring the Punjab on the same level with other Provinces before its future political conditions are assimilated with them. The clause clashes with the law of pre-emption as it exists in the Punjab, but this law is based on the Land Alienation Act. I do not think that differences of caste and creed are elements which determine the right of pre-emption in other Provinces.

The Bundelkhand Act, which is framed on the same lines as the Punjab Act, will naturally disappear. But it applies to a very limited area, and has, as far as I am aware, no political offshoots. There is no party in the Council of United Province representing the protected tribes or advocating the sacrosanct nature of the law. There is no order of United Province Government prescribing proportions for the protected tribes in various services.

It will probably be said that the clause which I propose is circumscribed by so many exceptions that I virtually admit the necessity of maintaining largely the principle of communal and caste representation. My answer is that in human affairs many conflicting principles have to be reconciled that in human nature whilst the lower propensities cannot be eradicated legislators and moralists always so frame their codes as to subordinate the lower to the higher propensities. Our statute book contains many instances of legislation reconciling conflicting principles. In every free country freedom of speech and discussion is allowed within certain limits, the determination of which is the result of very deep and comprehensive thought and wide experience. Sections 499, 500, 501 and 502 of the Indian Penal Code are examples which illustrate my point. Section 499, which defines “defamation” is encumbered with 10 exceptions and four explanations. The explanations to the Sections 500 and 501 of the Indian Penal Code appear to contradict the main section defining the offence, and it taxes the ingenuity of judges and lawyers to reconcile the two in their application to particular cases. Does it follow that because it is necessary to impose limitations on freedom of speech every one should be allowed to say whatever he likes?

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I can conceive no possible objection to the adoption of the clause. It only extends the principles embodied in Section 87 of the Government of India Act of 1833 and of Section 96 of the Government of India Act of 1919. It gives statutory sanction to a principle announced in Despatch No. 44 of the Court of Directors, dated 10th December, 1833, not only in respect of appointments but also in respect of other rights. I would request the Commission to consult various local Governments and inquire with what local laws of any importance the clause clashes. I do not think that Hindus in provinces in which they are in a majority will object to it. Advanced politicians may not approve of exceptions. Resolution No. 13, passed at the 9th Annual Session of the Hindu Mahasabha of 1926, which is a representative body of Hindus, affirms the principle which I advocate.

Resolution No. 13.—The Hindu Mahasabha is emphatically of opinion (1) that as the principle of communal representation and separate electorates far from bringing the different communities together, has proved a serious hindrance to the growth of the national feeling and to the smooth working of Municipal, District, Provincial and National Representative Institutions, it is the duty of the Hindu politicians of all shades of political opinion to make a determined stand against this vicious principle.

That in any future scheme of Provincial autonomy or Responsible Self-Government an express clause be inserted declaring it illegal for any Provincial Government to discriminate by caste and creed in respect of acquisition of civic rights or posts in public services.

The Christian minority in India would welcome the clause, so would the Brahmin minority in Madras. It is difficult to say anything definitely with regard to the Mahomedans in Provinces where they are in a minority. The political outlook of the depressed classes is still in a nebulous condition. They have been giving expression to fears which they entertain about their rights in a régime which is dominated by caste-ridden Hindus. I can conceive of no better way of protecting their rights than by the insertion of this clause.

Before concluding this part of my note, I may state that the safeguard proposed by the Congress of 1916 for the protection of the interests of minorities accepted by Muslim League and now reiterated by Mr. Srinivasa Iyenger in his Constitution, viz., that no Bill or resolution introduced into a Council affecting one or the other community shall be proceeded with if three-fourths of the members of the community oppose the Bill, affords no practical solution. It is apt to create deadlocks. A dissatisfied minority may become obstructive and may oppose every measure brought forward by the Minister representing the majority. Minorities generally oppose measures of decentralisation, whilst majority communities favour them. Ministers will be greatly handicapped in their work by the insertion of the provision which several political bodies have advocated.

I have perused with very great interest the Swaraj Constitution framed by Mr. C. Vijayaraghavachariar of Salem, who was President of the Indian National Congress in 1920. There is not the least doubt that if his scheme of Swaraj which proposes a unitary form of government were adopted, the rights of the Hindu minority in North-West India would be quite safe. He proposes one Parliament for the Commonwealth of India consisting of an Upper and a Lower House. As to the Provinces, he proposes Provincial Councils. (Section 132 of the Constitution). But he leaves it to Parliament "to make laws for investing the provincial authority with such powers as it deems necessary."

As far as the Hindu minority is concerned there is no objection to the scheme, but I fear we have gone so far in the direction of provincial autonomy, though we have not yet completely attained it, that it is

difficult to retrace our steps. The tendency is towards decentralisation and not towards centralisation which Mr. Vijayaraghavachariar proposes.

There may be some other ways of getting out of the shackles created by the Land Alienation Act, though I can think of none. But I would be taking too parochial a view of politics were I to be satisfied only with something which removes the political excrescences of the Act peculiar to the Punjab. A clause in the constitution protecting the interest of minorities is the best safeguard for all minorities, and I see no reason why a general provision of this kind should not be inserted. I see nothing impracticable about it.

The Muslim majority or the agricultural majority might say that the Hindu minority or the urban intelligentsia who have got a start over the others in education wish to deprive them of protective measures and reservations. The answer which I would advise the more advanced or the intellectually better gifted classes to give is "All right, we are prepared to wait till you are able to make up the leeway."

*British Element in Services.*

Whilst dealing with this subject I am treading on rather a delicate ground, I am sure to be accused of a slave mentality by some of my countrymen. But there are two ways in which human affairs are dealt with and two classes of men who deal with them. There are men who create forces confident that their creation will be to the ultimate good of humanity regardless, however, of the immediate consequences which result. There are others who, taking account of the forces which exist and of those which are immediately in prospect, evolve a plan of action. Both classes of men are honest and society benefits by the proper performance of the functions of each. I belong to the latter category, however humble may be the position which I occupy. A writer on the French Revolution gives a high meed of praise to men of this class, says Mr. Mallat "that high-pitched theories and philanthropic aims are, after all, only as dust in the balance, compared with the many sober qualities of wisdom required for the effective administration of a State." I do not lay the slightest claim to wisdom in the art of administration. All that I wish to emphasise is that political statistics is as important as political dynamics. I lag behind no one in my sense of self-respect, I do not in the least undervalue the services of that class of men who fall under the first category. Were it not for them there would be no change, and no improvement. The world would be stagnant without them. But when constructing a policy or helping in the framing of a constitution it is impossible to shut our eyes to realities. The functions of the framers of a constitution who find remedies for diseases or infirmities of the body politic, are very similar to those of doctors, who tackle with ailments of the physical body. Patients or friends would be failing in their duty if they refrained on sentimental grounds from disclosing any organic weaknesses from which the patient suffered, even if their disclosures were humiliating or cast a reflection on the previous life of the patient. I will, however, abstain from dealing with specific facts and will only lay down certain general propositions.

1. Communities that cannot come to unanimity on such trivial matters as "Music before Moques" and "Slaughter of Animals" are not likely to unite on such a momentous question as the defence of the land frontier.

2. Mutual distrust of communities rises to its climax on occasions on which internal peace is disturbed by collision between them, and when the help of the third party is invoked. If the third party did not exist these percussions would be wider and more acute than they are now, and the problem of external defence would crop up oftener than it does now.

But it is said that (a) the very existence of the third party prevents our nationalisation, which it does more insidiously by actively adopting a policy designed to

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keep the communities divided. (b) And that officers who are able to rise above communal bias are by no means rare amongst us.

I admit that the mere presence of a third party takes away all incentives to self help, creates a desire to secure the aid of the third party, and thus keeps up the separative attitude of the communities constantly promoting a scrambling after power on the part of each. Much will depend on the quantum of impartiality which our men bring to bear on the discharge of their duties and the support which they get from the communities, which again will depend on the mutual relations between the communities and their attitude towards each other. If impartial men receive no encouragement from their own men, if each community disowns its own officers who in their work show a high standard of altruistic feeling, or if the men of the reverse type are apotheosised, impartiality will cease to be a virtue. The condition of things which the opposite school wants to introduce will be different from those prevailing now. At present we have still a third party which lays down a standard of impartiality (perhaps not between its own community and others) and maintains it. When that party has ceased to exist the standard of impartiality will be laid for each officer by his own community. What that standard will be will be determined by the underlying relations between the communities. It must not be forgotten that education has awakened a sense of corporate existence, which has naturally, as the country is divided into communities, taken the communal form. But it may be said that the weaker community in each part of the country will submit to its stronger rival, and the conflict will die out in each part automatically. My answer is that it will not, and it will have its repercussions in the whole country, perhaps abroad. The whole question resolves itself into the solution of the problem referred to in the first proposition.

As to insidious attempts to foment and keep up discord, I have suggested a solution, and if my proposals are accepted, such attempts will become rare, if they will not altogether disappear. This will prepare the way for amalgamation and union, but will not by itself bring it about. After all, constitutions affect only a part of the life of a citizen and not the whole of it. Nationalisation will depend on the work of religious and social reconstruction which our leaders undertake. It may, however, be observed that the presence of a third party is not always a disintegrating force, it may prove to be a uniting force. If the elements of disunion are properly studied and honest and vigorous efforts are made to remove them, it is not impossible to attain, in course of time, that degree of homogeneity which exists in Western societies. A more political union for the purpose of obtaining political advantages is no union, it is only temporary. It disappears when the external force is removed and the controversies which follow assume acute forms. Let it be brought home to the mind of the people that the third party is there because they are disunited and let the best brains amongst us bestow their thoughts to a deep analysis of the elements of disunion and the best way of removing them.

If the British element in services is to be retained the mode of their recruitment, their emoluments and conditions of service should be the same as those recommended by the Lee Commission. Their proportion in different Provinces may vary. So far as the Punjab is concerned, I will not for the next ten years reduce it beyond that fixed by the Lee Commission. In North-West Frontier Province and Baluchistan the present preponderance of Europeans in the higher services should be diminished only slightly, if at all.

## PUBLIC SERVICES COMMISSION.

Public Service Commissions now exist in all the self-governing colonies. Section 96 (e) of the Government of India Act of 1919 provides for the appointment of a Public Service Commission for India, but the scope of the Commission may extend to what is called the Central Service Class II, or to Provincial Service, if the Governor-General or the Governor so desires. The

discretion of the Governor-General in Council or of the Governor in Council should not be a factor in determining the jurisdiction of the Commission with regard to different classes of services. Even with regard to All-India Services or to Central Service Class I, the Governor-General in Council may or may not consult the commission on any question connected with their recruitment, though in practice he always does. As far I am aware the Provincial Services of all Provinces have not yet been placed under their jurisdiction. The circumstances which led to the appointment of such a Commission in Canada are graphically described in Keith's book on Responsible Government in the Dominions. Professor Keith says, "The appointment of public officers was always a matter in which political influence had a good deal to do in the first place, then promotions were often influenced by political considerations, and, if the holders of office were not dismissed when a new Government came in, they might in other ways be made to feel that their presence in the office was not desired, as there were others whose claims demanded the close attention of Ministers." Further on I find the following passage: "It appeared that nomination from a list of qualified candidates was the order of the day, that such nominations were political jobs, and that, after appointment, success depended on further political influence; there was little regular promotion, and all the best posts were reserved by Ministers for rewarding their friends, with the result that the service was utterly disorganised, the members of the service who owed their posts to political nominations being indifferent to discipline."

If "communal" were substituted for "political" in the quotations given above every word of them would apply more or less to what has been happening in the Punjab since the Reform Scheme came into operation. Professor Gulshan Rai's pamphlet, which was placed by me before the Commission in the course of my interview, cites specific cases of appointments and supersessions which caused deep resentment amongst the Hindus. In 1922 certain Hindu members asked for the appointment of a Board (so constituted that no community in it would predominate), which would go into all cases of supersession of officials who entered into services before recruitment into services on communal grounds was introduced. Government refused to appoint such a Board.

There will be no peace in the country until recruitment of all kinds of services is vested in an independent Board. Communal differences will take the place of political differences in the West. Suspicion of communal partiality creates a resentment which is wider and more intense than the suspicion of partiality supposed to be due to political differences. There are very few countries in which jealousies due to political differences filter down to masses; jealousies due to communal differences do.

As to the status of the Commission and its functions the following passage is pertinent:—

"The new Act, which was passed with the concurrence of the opposition, provides for a permanent Civil Service Commission which, at the desire of the opposition, was made in tenure of office on an equal footing with the Auditor-General. This Commission is to hold examinations and decide the fitness of candidates for the posts for which they are recommended by them. They are also to give certificates for increases of salary and for the promotion and improvement of status. Moreover, instead of the system of nomination from a list of proposed candidates there is to be appointment by merit in the examinations." The trend of opinion of the members of the Punjab Council is that success in examinations is rather a demerit than a merit. The Provincial Public Commission will have the same jurisdiction about disciplinary action taken against the members of the Provincial or other services as the Indian Civil Service Commission has under Rule 10, in respect of similar action taken against members of the All India Services.



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While discussing the protective clause I have already made some remarks on the working of the local bodies and have emphasised the importance of regulating their power of making appointments. The Provincial Public Service Commission will either by itself or through a board appointed by it control the more important appointments under local bodies, whilst for ministerial posts, a Staff Selection Board may be constituted.

The members of the Public Services Commission for All-India Services should be appointed by the King; those for the Provincial Services by Government of India. All the Commissions and Boards, Imperial or Provincial, will act in accordance with the principle laid down in the clause, the insertion of which, in the constitution, I have proposed.

Joint responsibility of the Ministers will I hope be a feature of the Cabinet system of government which it is expected will be introduced with provincial autonomy. The Ministers must belong to different communities, for which I have made a provision in the schedule of exceptions to the protective clause. It will be impossible to work joint responsibility so long as the power of making appointments rests with the Ministers. In paragraph 6 of the Punjab Administration Report of 1923-24 the following observation is made on the joint responsibility of Ministers under the present dyarchic system of government:—

"The co-operation of Ministers would indeed inevitably be in inverse ratio to the activity of their championship of communal sentiment. The co-ordination which actually attained between the first two Ministers was therefore due rather to a mutual spirit of goodwill than identity of policy."

## LEGAL MACHINERY TO ENFORCE THE CLAUSE.

Both Dr. Besant's Commonwealth of India Bill and the Independent Labour Party's Bill propose the appointment of a Supreme Court. The object appears to be twofold: to reduce considerably the number of appeals to King in Council, and to establish a Court with jurisdiction over matters arising under the constitution or involving its interpretation. I feel diffidence in expressing my opinion on a matter involving legal points. There appeared to me to be some difference of opinion amongst friends whom I consulted as to the competence of Indian Courts to question the validity of laws made by the Government of India. All my doubts on this point were, however, removed on a reference to Dicey's well-known book *Introduction to the Study of Law of Constitution*. At page 96 of Chapter VIII of that book I find the following passage:—

"The Courts in India (or in any other part of the British Empire) may, when the occasion arises, pronounce upon the validity or constitutionality of laws made by the Indian Council." In support of this view 3 Indian Law Report (Calcutta series), page 63, is cited. This case went up on appeal to the Privy Council and the power of the Calcutta High Court to pronounce on the validity of an Act passed by the Imperial Council was not questioned. If, however, there is still some doubt as to the power of Indian Courts to question the constitutionality of an Act, necessary power can be given to the High Court by Parliament without creating a Supreme Court.

## SECTION III.—NORTH-WEST FRONTIER PROVINCE AND BALUCHISTAN.

The extension of Reforms to North-West Frontier Province and Baluchistan, and the treatment in the respect of these Provinces at par with other Provinces and the attitude of Hindus towards reform are questions on which great confusion of thought may be found. It is necessary to explain what the demands are. These impose no insuperable difficulty in the way of further advance.

The number of Hindus in these two Provinces is very small and their anxiety to safeguard their

interests in any measure introducing popular government in these Provinces is fully justified. Total population of North-West Frontier Province is 2,251,310 and of Baluchistan is 120,618, and the population of Hindus, Jains and Sikhs is 177,921 and 46,310 respectively. Christians in these two Provinces (North-West Frontier Province and Baluchistan) are 10,610 and 6,678 respectively. The demand of the Hindus in these Provinces is nothing more than what has been sketched in the previous pages, viz., that a clause condemning all discrimination by caste and creed for the acquisition of civic rights beyond the limitations stated should be incorporated in the constitution, that a legal machinery to enforce the clause should be created if it does not exist already, and that the jurisdiction of Public Services Commission should be extended to the area and to all the services therein. If it is impossible to meet these demands the Hindus are opposed to any measure of devolution. If it is not, they are indifferent. What the measure of devolution should be and what should be the exact form of government to be introduced are questions with which Hindus as such are not more vitally concerned than others. There are, I believe, difficulties in treating these two Provinces on a par with other Provinces—difficulties for which officers connected with the Civil and Military administration are in a better position to find a solution. It appears from official papers concerning these two Provinces that the expenses of administration exceed the income. For the year 1925-26 the income of North-West Frontier Province was Rs. 78,49,115 and expenditure on the administration Rs. 2,81,25,237. In the case of British Baluchistan for the year 1925-26 the expenditure was Rs. 85,52,392, against an income of Rs. 21,84,778. Government of India metes out dotes to these two Provinces to enable them to carry on the government. In this respect alone, not to mention other distinguishing features, these two Provinces differ from other Indian Provinces. The other peculiar feature of these Provinces is that they have political agencies for territories outside of British India, the administration of which has a close bearing on the administration of British territory properly so called. Both are Frontier Provinces with a population highly excitable and primitive. The percentage of literacy is much lower among Muslims who form the bulk of the population than amongst Muslims of United Provinces or Punjab. The establishment of Government responsible to the people of the Province and to be controlled by them will affect the defence of the Empire as a whole. These are questions on which the military officers and the Government (His Excellency the Commander-in-Chief and his military advisers) are in a better position to give opinions than any Hindu living in these Provinces outside who has no knowledge of the military or Indian defence and no experience of the way in which it is carried on.

I may have given some impression of the position of the Hindus in some of the Provinces.

In the Education Department, the Civil List for the year 1925-26, the two Hindu members of the Council of the Government of India, the two Hindu members of the Council of the Government of the Punjab, the two Hindu members of the Council of the Government of the North-West Frontier Province, and the two Hindu members of the Council of the Government of Baluchistan, are all in the same position.

for the Muslim League and the Hindu Mahasabha are in a very small minority in these two Provinces. The number of Hindus in these two Provinces is very small and their anxiety to safeguard their interests in any measure introducing popular government in these Provinces is fully justified.



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West Frontier Province cannot get into Provincial Service of other Provinces where men domiciled in the Province would naturally get preference over them. To the Hindus of North-West Frontier Province therefore the door of Government service is now practically closed.

Sir Geoffrey de Montmorency, in the course of his speech delivered on the 13th July, 1927, in the Punjab Council, said:—"In the second place, as I said yesterday, always bearing in mind the supreme need for efficiency, Government aims at avoiding the undue preponderance of any one class in the public service to the prejudice of the reasonable claims of other classes of the community. This is the ideal to which we work, some honourable members may consider unsuccessfully, but nevertheless let me assure them that we do work sincerely and constantly to try to secure this principle.

Sir Alexander Muddiman, in his speech in the Legislative Assembly delivered on the 2nd of March, 1925, though explaining the system of recruitment for the Indian Civil Service, said: "I admit, and Government have admitted before, that there should be an adequate representation of minority communities." This remark applied presumably to all services.

In the notification of the Home Department of India, dated 14th October, 1926, reproducing the resolution of the Secretary of State for India which defines the functions of the Public Service Commission, there is a reference in Rule 5 to recruitment by selection, "owing to the failure of a competitive examination to give adequate representation to different communities."

All these principles are ignored when their operation favours the Hindu minority. I am not here advocating the cause of the Hindus under the present system of Government, and though it is true, as one of our prominent public men said in his recent speech in the Legislative Assembly, that, under the Reforms system of Government, the Hindus could not fare worse than they did under the present system, yet there is no reason why I should exclude the Hindu minority of the North-West Frontier Province and Baluchistan from the benefit of the protective clause which I propose for the Hindu minority in the Punjab.

I have to add that, if the elective system of the representation were introduced in North-West Frontier Province and Baluchistan, the Hindu minority in these two Provinces should receive the same weightage as the Mahomedan minority gets in Provinces in which they form minority of the same proportion.

*Do the Mahomedans of North-West Frontier Province work the reforms with the safeguards proposed by me for the Hindu minority?*

## Conclusion.

I have confined myself to the question of the protection of the rights of the Hindu minority of North-Western India. I am strongly of opinion that the indispensable conditions of a further political advance in the Punjab are:—

1. That joint electorates should be introduced for the Punjab Council with reservation of seats for the communities, and that if a Council is created for North-West Frontier Province then separate electorates for Hindus if they want them.
2. That a clause on the lines proposed by me to restrict the principle of determining civic rights on the basis of caste and creed be inserted in the constitution.
3. That legal machinery be created, if one does not already exist, to enforce the clause.
4. That recruitment to all kinds of services be vested in an independent board, so constituted that, whilst all important communities are represented on it, no community pre-

dominates and that disciplinary action taken by the Ministers be made appealable to the board.

5. That the British elements in services should be maintained during the next ten years, as proposed.

If for any reason of which I have no conception it is not possible to provide these safeguards, I would advise the Hindu minority in North-Western India to oppose all recommendations for further advance. I am not prepared to advocate advance of democratic Government on lines which involve a negation of the fundamental principles of democracy, namely, the equality of all human beings. Such a Government will not be a popular Government, but a class or communal Government. I would ask the Hindus to discriminate between bread and stone, to visualise what their condition would be whether of freemen or of slaves if the safeguards above recommended and found in the constitution of several Western countries which have democratic institutions were not adopted. They should not be carried away by the ordinary political slogans about self-government, provincial autonomy and freedom. If the safeguards were not adopted the whole power will pass into the hands of a group of castes which comprise only one-fourth of the Hindu population, and constitute about half the total population of the Province, not to speak of the humiliation involved to those outside the privileged class. It does not matter if two-fifths of the Muslim population and nearly one-third of the Sikh population do not raise their voice. If called upon to wait for a while they should show sufficient spirit of prudential self-sacrifice till popular democratic Government can be introduced unalloyed by caste or communal discrimination for the acquisition of important civic rights. Caste or communities will continue to exist for some time in India, and do exist in other Provinces. But the Punjab politics have some peculiar features of their own. The octopus of communal or caste discrimination has thrown its tentacles far wider in the Punjab than elsewhere, and before Punjab and North-West Frontier Province and Baluchistan can be treated on a par with other Provinces the tentacles must be cut and reduced to the size which the octopus has in other Provinces. If the operation takes a long time the Hindus should wait till the tentacles are reduced to the dimensions which may be considered to be normal for India. No other Province, as far as I am aware, represents the political characteristics of the Punjab. I am not aware of the conditions prevailing in the South, but looking from a distance it appears that the non-Brahman majority in Madras will be content with the reservation of a proportion of appointments for backward classes.

In no part of India exists a statute which imposes comparative disability in the acquisition of certain important civic rights on a class of which the Muslims form a large proportion, nor has Government anywhere promised preferential treatment for recruitment in services to a class of which the Mahomedans form a small proportion. Yet no Hindu finds fault with Mahomedans if they make all steps in political advancement conditional on their rights being properly safeguarded.

Having concentrated all my attention on the question of the protection of Hindu minority, I have naturally not devoted much time on thinking out what further advance towards responsible Government should be recommended for this Province, and this for various reasons. First, democratic Government, being the rule of the majority and the cleavage between majority and minority communities being on religious lines, the mental attitude of those who advocate further devolution of powers to majorities is not the same as that of those who insist on the protection of the interest of minorities. A great deal of confusion in Indian politics has arisen owing to the functions of the two classes of advocates being mixed up and being merged in the same individuals. It may generally be asserted of our public men that, with few exceptions, no one is unmindful of the interest of the

## MEMORANDUM ON HINDU MINORITY RIGHTS IN NORTH-WEST INDIA

[Continued.]

community or class to which he belongs, nor is anyone wanting in having nationalism as his goal. Individuals differ from one another only in the intensity of the communal or national feeling. It would, however, tend to clearer thinking and better work if the two classes were separated, one advocating legitimate minority rights, and the other the rights of the majority.

Secondly, as I am of opinion that Hindus of the Punjab should ask for no further advance until their legitimate rights are duly protected in the manner suggested by me, and I do not know whether my suggestions would be accepted, I am not in a position to propose what further steps should be recommended.

Thirdly, it is very difficult for me to foresee how the Hindus will be affected by further changes made in the system of Government. The only attitude that I can reasonably adopt towards specific proposals made by the other side is that I have no objection to what is proposed. The Hindu leaders who took part in the proceedings of the Congress of 1916 and who accepted the principle of communal representation and of separate electorates even for the Provinces where Muslims were in majority, did not realise how these two principles would work in the Punjab. I am not going to repeat the mistake of the Hindu leaders of 1916.

I should now like to say a few words to the leaders whose mandate for the boycott of the Commission I have ventured to disobey. I must at the outset state that I am behind no one in entertaining feelings of reverence and respect towards them. No one can question the value of their services to the country and community and the sacrifices made by them. My work as a public man in the Punjab covers only a few years. They have devoted their whole lives to it. My record of service, if record it may be called, sinks into insignificance as compared with theirs. But every humble member of the hierarchy of public workers should be given freedom of conscience and the right to act according to his best lights. I have been carefully reading the criticism of our leaders, which sometimes assumes the form of a tirade against the Hindu co-operators of the Punjab. I have been able to cull three main points in their criticism. (1) That all that the Punjab Hindus or, for the matter of that, Hindus of the other Provinces can say for themselves will be supplied to the Commission by Punjab Government and the local Governments of other Provinces. (2) That the British Government is wedded to a policy of partiality and *divide et impera*, and (3) that the action of the Hindu co-operators of the Punjab is one of super-erogation and defiance of the Hindus of the other Provinces and calculated to ruin their own cause and that of the Hindus in general. I take up each point separately.

I do not think that a comparative statement such as I have prepared showing the diversity of practice in the treatment of minorities will be prepared or laid by any local Government before the Commission. The utmost that the Behar, United Provinces and Central Provincial Governments will say is that though the Muslim minorities in those Provinces are liberally treated, yet they are dissatisfied with the Reforms. The Hindus of these Provinces mentioned above are not objecting to representation of Muslims in the services in excess of their numerical strength in the population. Muslims are co-operating all over the country and in every Province. Will local Governments of these Provinces say that the over representation of Muslims in these Provinces should be reduced? Will the note prepared by the Punjab Government get comparative figures from Provinces where Muslims are in a minority? I cannot swear, but I am almost certain that the Punjab Government will not prepare any such statement. It is not their duty to do so, on the contrary the figures collected by the Punjab Government will show that, considering the numerical strength of Muslims in the Punjab they are under-represented in services, and in spite of it Hindus are grumbling. Is it any duty of the Punjab Government to try to unravel the

minds of the Hindus whilst the Hindus themselves maintain not only a reticent, but a defiant attitude which boycott implies? By what mysterious process can Sir Malcolm Hailey discover the argument that if limitations on the recruitment of persons belonging to minorities are not observed in other Provinces they should not be observed in the Punjab? How is it the duty of Sir Geoffrey de Montmorency (who supports the policy of equitable distribution of appointments amongst all the communities so as not to allow the preponderance of any one community in the services) to try to discover that the policy is more honoured in the breach than in observance in North-West Frontier Province? Is there any record of the Punjab Government to show the numerical strength of what are called agricultural tribes? I was the first to bring this matter to their notice. If I had intended to boycott the Commission, if I had adopted the attitude which leaders prescribe for all of us it would have been inconsistent on my part to point out that the non-agricultural tribes in the Province form either a majority or a very strong minority. The Punjab Government know that the members of agricultural tribes form a majority in the Council; but I do not think that Government would have gone to the length of ascertaining the caste of each member and thereby ascertaining their exact proportion in the Council. Is there any record of the Punjab Government to show that though the Hindu non-agricultural tribes form a larger proportion of the Hindu population of the Punjab (what the exact proportion is no Government record shows) the voters of the Hindu non-agriculturists form a minority? Is it any interest of the Punjab Government to enter on such elaborate calculations? I have had my calculations made by my clerks specially employed for this work. Is it any duty of the Punjab Government to think out the reasons of this over-representation? I brought them to their notice, and I could not have done so if I had determined to boycott the Commission. To assume that the Commission and the local Government will study the case of the Hindus of the Punjab unaided by any evidence which they might produce is inconsistent with the objection under the second head, viz., that the whole Government, from the British Cabinet down to local Government, is wedded to a policy of partiality for Muslims and that the Commission has come with a clear mandate from the Cabinet to maintain that policy.

In my opinion the Hindu minority in North-Western India has an overwhelmingly strong case, and though accused of "stupendous folly" by a responsible journal for adopting the policy of co-operation, I am of opinion that folly lies the other way. That defendant is a fool who, having a strong case, does not argue it before a tribunal and assumes that the tribunal, unaided by any counsel, will discover the weakness of the plaintiff's case. I do not know if any tribunal, however circumspect and conscientious, has done so for a defendant who is not only reticent but defiant. After all, plaintiff has a plausible case the weakness of which can be exposed only by comparative figures.

Second point. There is some force in the second argument, but, even here, the Hindu leaders themselves are not free from blame. In support of my view, I would quote an author whose opinion carries great weight, who is a publicist of standing and whose early traditions and associations have been very different from mine. Referring to communal representation and to the mischief "in making the electorates communal and separate," says Mr. C. S. Ranga Iyer, in his recent book *Father India*, page 122:—

"I must frankly admit that the responsibility for misleading Mr. Montagu lay entirely with the politicians of the National Congress and the Muslim League. When he rejected the Congress League Scheme, it was a pity that he chose to accept the evil in it, namely, separate representation. The Reforms were only an experiment."

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*(Continued.)*

As observed at the outset, it is not generally recognised in England or in India that there is a Hindu minority also in North-West India which has grievances which will be aggravated by further extension of Reforms, if matters are left as they are. Muslim leaders claim everywhere for Muslims the rights of a minority community. I have not come across a single speech of a Mahomedan publicist (except the Convocation address at Lahore by Mr. Haidery) in which the Muslims had been described as a majority community in the Punjab and were asked to treat the minority community with a consideration which a minority community deserves. The propagation of the error that Muslims are everywhere in a minority is due to the indifference of the Punjab Hindus who never raised their voice, afraid of being dubbed as communalists. Hindu leaders of other Provinces, on the other hand, actively encourage the propagation of this error. An eminent Hindu leader of United Provinces, held in high esteem, in one of his presidential addresses says: "Here permit me to say, that in a matter of this kind the responsibility of the majority community, namely the Hindus, is greater than that of the minorities," which evidently means that the responsibility of Hindu leaders is to turn a deaf ear to the outcries of the Hindu minority in North-West India. Punjab Muslim leaders of high position, fully acquainted as they are with the Punjab conditions, take advantage of this attitude of Hindu leaders. One of them is reported to have said in a speech that a community brought up in the tradition of the Joint Family System, and accustomed to be guided by the elder head of the family, cannot be made to recognise the rights of the junior members, forgetting that in the Punjab, where most of the points of controversy between Hindus and Muslims have arisen, points which are more difficult to solve than the fewer issues in other Provinces, the Hindus are the junior members. In the face of all this the Hindus of the Punjab are interdicted from pressing their claims as a minority community even before the Commission on the assumption that the Commission is a fraud.

I express no opinion one way or the other on the policy of the Swaraj Party, but if the majority of the Hindus everywhere go to wreck Councils and to refuse all offices, and if the administration everywhere is carried on with the support of Muslim members, Government have no other course than to keep them in good humour, with the result that we find in Assam, where the Muslims are in a minority, that all offices in the Council except that of Deputy-President are held by non-Hindus. Whether this desire on the part of Government to propitiate Muslims will continue or not after Provincial autonomy has been given is a different matter; but for the present a predilection in favour of Muslims is clearly explicable. The whole confusion arises from mixing up communal and nationalistic aims and ideals.

I am not prepared to believe that the Commission is a farce, and that the British nation does not contain even a modicum of wise and honest men, having an effective voice in Parliament. Had it been so, there would have been no British Empire, or it would not have lasted as long as it has. No Government, however autocratic, can be carried on if absolutely devoid of moral support. Though in the past physical force was a determining factor in locating the centre of political authority, yet moral considerations have begun to play a very important part in the recognition of popular rights. Constitutional agitation has been recognised as an effective weapon. India of 1924 is very different from what India was 50 years ago. The cause of the people has made some advance, and all this has been achieved without physical force. Such revolutionary crime as has made its appearance now and then and here and there has been considered merely as evidence of the existence of acute discontent and of a more widespread desire on the part of the people to take part in the administration of the country. It has not been a compelling force.

*I Would now Deal with the Third Objection.*

I do not see how the Hindu co-operators of the Punjab are ruining the cause of the Hindus in other Provinces. I have proposed nothing, with the exception of one thing, which has not received the seal of approval of the whole of the Hindu community in India, and which was not approved by the Mahasabha, a body representative of all the Hindus. Am I to be blamed as a renegade from the Mahasabha because I espouse the cause which the Mahasabha championed? I have suggested certain exceptions, thus moderating my demands, acting on the maxim that half a loaf is better than no loaf, but Hindus in the Punjab and elsewhere can say that the schedule of exceptions is not required. From Calcutta to Peshawar, from Himalaya to Cape Comorin, we find the whole of the Hindu Press denouncing communalism. It was, however, left for the 9th Session of the Mahasabha, at which my humble self presided, to pass a resolution that a clause should be inserted in the constitution condemning the discrimination of civic rights on the basis of caste and creed. Is not the Mahasabha morally estopped from interdicting me and other Hindus from pressing before the Commission the adoption of the principle which the Mahasabha advocated? I now ask whether it is super-arrogation on the part of the Punjab Hindus to do their best in pushing forward Mahasabhas' principles touching their vital interests or whether it is super-arrogation on the part of the leaders to accuse conscientious workers of disobedience of orders supposed to have been necessitated under conditions which are of a temporary nature, namely, the insult involved in Indians being excluded from the Commission, creating a suspicion that the Commission intends to do nothing? There may be amongst co-operators men who have their selfish ends to serve, but where on earth exists a political party of organisation all the members of which are selfless patriots?

The one point on which Provinces, other than the Punjab, may differ from me is that the retention of the British elements in the services is desirable. I do not wish to give more arguments than those I have already given in a general way in the section dealing with this point. If Hindus of other Provinces who are not members of the Congress feel that they do not require British agency in services, let them say so. The Mahasabha has said nothing to the contrary. Perhaps the location of its office in Delhi has prevented it from passing a resolution that "the British Army of occupation" should withdraw. Mutual distrust between the communities is a marked feature of Indian politics of the present day. Anyone who runs may read it. The Commission will naturally come to the conclusion that the time has not come for the entire removal of the British agency even if the minority communities, who are likely to suffer most in each Province, do not say this in so many words. All minorities are laying their case before the Commission, why should not the Hindu minority, wherever it exists, do so? The tendency of the minorities is to propose restrictions on the exercise of the power of majorities, who generally object to restrictions. If the scheme which the Commission evolves proposes more restrictions than what the majorities would tolerate, the majorities would be partly to blame, as they are not putting their case before the Commission. I, however, see no justification why the Hindu minority alone should sleep over its rights. Is it any satisfaction to the Hindus of the Punjab and North-West Frontier Province to find that, whilst they themselves are to be treated as helots in their own Province, Hindus in other Provinces are free. Is any Mahomedan in India expected to derive consolation from the fact that, whilst he himself is in bondage, Turkey and Afghanistan are free?

*My Expectations from the Commission and the Joint Parliamentary Committee.*

If the Central Legislatures appoint a committee to collaborate with the Commission I hope to secure the support of some of its Indian members, but if the entire responsibility of formulating proposals, after

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[Continued.]

studying the conditions of each Province on data produced, falls on the Commission I would invite their attention to that which is the *raison d'être* of a purely parliamentary commission, and which distinguishes it from a round table conference of Indian leaders. The Commission should not look forward to compromises between communities. The present state of Indian society does not encourage one to expect that the different communities will come to a mutual agreement. Each community will argue its own case, and will put before the Commission its own idea of justice. It will be impossible for the Commission to satisfy everyone, and the Commission will have to form its own opinion as to what is just. Justice, though an abstraction, has a reality and a concrete existence when applied to practical affairs of human life. Its scope covers the whole of human conduct, including politics and political action. I am confident that the Commission will not be influenced by the boycott or co-operation of classes or communities. I hope my suggestions will not be taken piecemeal. I have not argued the case of the Hindu minority as an advocate blind to what may be said on the other side, and have not adopted the tactics of a chess player. To the best of my humble capacity I have tried to take a comprehensive view, for I am not negotiating with an individual, but I am putting my case before a board, and I am sure that my case will not suffer for the mentality so displayed.

I should now like to say a word as to the essential requirements of the constitution suited to the present stage of India's political progress. I doubt if the Commission or the Joint Parliamentary Committee will be in a position to recommend a long step towards the goal of Dominion Status. Before that status becomes achievable the numerous bridges dividing Indian society should be engulfed, and this is largely a work which has to be carried out by Indians themselves. Our political leaders have felt the need of social reforms and social reconstruction which has not yet been completed. But no Indian, however broad his outlook and however high his aims, can hope to succeed, or will venture to undertake the work, as long as the disintegrating forces of laws made by the State or of policy followed by its Executive Officers continue to operate. The preceding pages afford ample illustrations of the diversity of practice which is liable to misinterpretation. We should welcome the association of British officers, both in the civil and military administration of India; we cannot dispense with them. But the objection that their association with us is an

British rule, and that rule by one community over the other is better than British rule. Are the people to be given the choice between the two kinds of anachronies? Surely the British politicians can devise a course of orderly progress giving full scope to the work of Indians who aim at nation building, and it will be a proud day for England herself when the various Indian sections are welded into a nation and are able to enjoy the full status of a self-governing dominion, fit to take their place in the comity of nations which constitute the British Empire.

I am sure that the Joint Parliamentary Committee and the Parliament have in them statesmen who are inspired by noble sentiments, such as are portrayed in the following extract from a poem which I read in a paper room after the inauguration of the Reform Scheme. . .

Sick men reviving scorn the arts that wean'd  
Their body from death or torment, and despise  
The arm on which so late their weakness lean'd  
And soon forget the watcher's sacrifice,  
Yet not in anger at that scorn we yield,  
Task that our fathers taught us to endure,  
Nor dead to pledges laid on us to shield  
The oppressed, the voiceless millions of the poor;  
Nor heedless of our mighty heritage,  
Nor caring not if the long struggle fail,  
We write "it's ended" on the final page  
And close this volume of the epic tale.  
Not so, but, seeing a stage is ended here  
In this our great, inimitable emprise,  
We cast, with searching of the soul and fear  
For future days, with forward gazing eyes  
And prayer for what may tide, we cast the crown  
Before the altar of all destinies,  
And lay the emblems of this empire down  
In humbleness before Him, they are His,  
His, who bestow'd the sceptre and the sword  
Which here we ask Him to reconsecrate,  
But chang'd in weight and temper to accord  
With what of new they help'd us to create.  
And here we vow, by all that is our prize,  
By all this long tale we hold most dear  
And not alone by great names glorified  
In high achievement, writ in letter clear  
But also by the thousands who with toil  
Through war and pestilence and sorrow  
Toil'd in this field, nameless but not less  
By the forgotten graves they lie beneath

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[Continued.]

*Summary.*

(1) In the Punjab there are two kinds of minorities: (1) the Muslim minority, and (2) the non-agricultural minority. These two kinds of minorities have to be separately dealt with as they have separate characteristic features.

(2) The non-Muslim minority consists of (a) Hindus, (b) Sikhs. The two together forming nearly 47 per cent. of the population, the Muslims being about 53 per cent. For the territorial constituencies the seats assigned to Muslims are 32, equal to the seats assigned to non-Muslims, 12 Sikhs and 20 Hindus. There are besides special constituencies—(i) Chamber of Commerce, generally returning a European, (ii) Tumdars of Dera Ghazi Khan, a small electoral body consisting solely of Mahomedans, (iii) Landlords, one Sikh, one Hindu and one Muslim, (iv) University, (v) Industry.

(3) The Sikhs and Mahomedans come through separate electorates, the Hindus, who form one-third of the population, being thus deprived of having any voice in the election of two-thirds of the members of the Councils, who have equal voice with the Hindus in deciding their fate.

(4) The Hindus have always been in favour of joint electorates with reservation of seats. The Sikhs also now support joint electorates, thus nearly half the population of the Province wants joint electorates. Separate electorates are meant for minorities, and there is no conceivable reason for continuing them at the request of the Muslim majority in spite of the protest of minority communities. Separate electorates deprive those who are outside of them of a very important right in a democratic system of government, namely, the right of electing those to whom is entrusted their fate. This right cannot be withheld when it is demanded. A minority community has a right to ask for separate electorates, but not a majority community, apart from the argument that communal representation is a vicious principle, which retards the process of nationalisation.

(5) That the number of Muslim voters is smaller than the number of non-Muslim voters is no argument for continuance of separate electorates. The difference is so small that the constituencies and allotment of seats to them can be so arranged as to equalise the number of Muslim members returned from constituencies in which non-Muslim voters predominate with the number of non-Muslim members returned by a majority of Muslim voters. Therefore in the Punjab the continuance of separate electorates is only the perpetuation of a vicious principle which divides the communities.

(6) In a Province in which the difference between Muslim and non-Muslim population is very small, the continuance of separate electorates will needlessly create difficulties in the creation of joint responsibility which is an important feature of Cabinet system of Government likely to be introduced.

(7) That Mahomedans do not form an absolute majority in the Council is due to special constituencies. In the general territorial constituencies their proportion is equal to that of non-Muslims. As long as the principle of weightage for minorities is recognised the weightage given to Sikhs cannot be reduced. It is less than the weightage given in United Provinces to Muslims though their proportion in the population is nearly the same, and their voting strength greater. The seats assigned to Hindus in general territorial constituencies are in proportion to their population, and therefore cannot be reduced. Whether special constituencies should be continued or not is not a question to be determined on communal considerations. Even if reservation of seats were to be introduced for all special constituencies, Mahomedans would gain nothing. For the special constituencies of Industry and University and Chamber of Commerce the electorate is joint. It is only in the Landlords' constituencies that the electorates are separate. The dispute therefore for separate or joint electorates centres itself round general terri-

torial constituencies in which the proportions are equal. The Hindu demand therefore is that there should be joint electorates for territorial constituencies, the present proportion of communal seats being retained.

(8) The next question is whether the scope of communal representation should be extended so as to cover other spheres of administration such as recruitment to services and admission to educational institutions. The Hindu and Sikh opinion on this question has been pronounced more than once and is unanimous in condemning any extension of communal representation.

(9) A proportion of 40 for Muslims, 20 for Sikhs and 40 for Hindus and others was fixed for recruitment to the Medical Department, and for admission to the Medical and Government Colleges. Now a majority community should rely solely on the strength of its numbers. It cannot claim for itself reservation of any kind of civic rights. Such a claim is untenable especially when it is going to receive further instalment of political power involving a further restriction of interference by extraneous authority, in other words, provincial autonomy.

(10) A reference to pages 166, 167 and 168 will show that in Provinces in which the Muslims are in a minority no proportions are fixed restricting their representation in services. In United Provinces, Central Province, Behar and Orissa their representation in services is much in excess of their numerical strength in population. If no limits are imposed on the recruitment of the Muslims where they are in a minority, why should any limit be put on the recruitment of Hindus in Provinces like the Punjab. If the claim of Hindu majority for recruitment in proportion to their number is not justified in United Province, Central Province and Behar and Orissa, why should any heed be paid to the demand of Muslim majority in the Punjab for their representation in services in the proportion of their population.

(11) But a cognate principle to representation by creed in the services is representation by castes, which is unknown in Provinces other than the Punjab or, perhaps, Madras. In some of the Provinces in which the Muslims are in a minority there are Hindu castes some of them as numerous as the Muslims and others outnumbering them. See page 168. It will be difficult to resist the claim of these castes for admission into the services in proportion to their numbers if communal representation were to become an acknowledged principle of recruitment. The result will be that all the services will consist of men possessing the minimum of efficiency.

(12) I now revert to the minority of non-agricultural tribes. This is a peculiar feature of the Punjab and the cleavage has its origin in the Land Alienation Act and resolution of the Punjab Government of October, 1919, giving preference to hereditary zemindars (majority of whom belong to agricultural tribes) for recruitment into services of all kinds. (For a brief description of the provisions of the Act see pages 168-9). The exact numerical strength of the agricultural tribes is not directly ascertainable. I have had it calculated and I believe that the tribes constitute nearly half the population of the Province. According to my calculation nearly one-fourth of the Hindu population, three-fifths of the Muslim population and nearly 67 per cent. of the Sikh population belong to agricultural tribes.

But in the electorate of rural constituencies which preponderate over the urban, about 60 per cent. of the Hindu voters belong to the agricultural tribes. I have had this proportion calculated in my office from electoral rolls of Hindu rural constituencies. Much greater must be the proportion in rural constituencies of the Muslim and Sikh voters belonging to agricultural tribes. Members belonging to agricultural tribes form 70 per cent. of the total number of elected members in the Council. Thus there is a strong rural oligarchy in the Council with political aspirations in no way different from those of members belonging

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[Continued.]

to the urban castes. In fact the Opposition Bench in the present Council is occupied by members the majority of whom belong to agricultural tribes.

The object of the Land Alienation Act was two-fold, economic and political. Mr. Kodand Rao has criticised the economic features of the law in a series of papers which are printed in Appendix IV. I have given a synopsis of his criticism at page 169. As to any political object that may be in the minds of those who passed the Act, it is sufficient to say that the object can no longer be served, now that Responsible Government on democratic lines has been introduced.

(13) No change of franchise rules nor creation of a Second Chamber in which the capitalist landowners will have a preponderant voice will weaken this stronghold of the rural oligarchy. Introduction of manhood suffrage would be useless without free and compulsory primary education. Manhood suffrage does not exist even in England.

If provincial autonomy were given to the Punjab with the present peculiar features of Punjab politics subsisting no member of the non-agricultural tribe will find his way into the Ministry. This will result in the partial monopoly of all services by agricultural tribes as promised by the Resolution of 1919.

(14) Whilst discrimination of civic rights on the basis of caste and creed is condemned by all, it was for Mr. Srinavasa Iyenger to suggest in autumn last how such discrimination was to be interdicted. This could be done only by the insertion of a clause in the Constitution forbidding such discrimination (see page 181 on this point).

(15) The power of making appointments must be taken away from the Ministers and vested in the Public Service Commission, which will deal with all services and before whom should lie appeals against disciplinary action taken by the Ministers.

(16) In my opinion the Indian Courts have the power to pronounce on the constitutionality of a law passed by a Provincial or Central Legislature. But if they have not, power should be given by Parliament to the High Courts.

(17) British element in the services should continue at its present strength for the next ten years.

(18) I propose certain indispensable conditions for any step in political advance in the Punjab, for which see pages 179-183.

(19) Without the safeguard proposed by me for the rights of the Hindu minority in the Punjab, to which reference has been made in the last para., the Hindu minority in the North-West Frontier Province should oppose devolution of power to the people. There are difficulties in the way of dealing with the North-West Frontier Province and Baluchistan on par with other Provinces. Whether these difficulties can be overcome or not is a matter on which Hindus as such have nothing to say. Their rights will be sufficiently protected if the safeguards proposed for the Punjab are adopted.

A reference to the Civil List of North-West Frontier Province will show how poorly the Hindus of the North-West Frontier Province are represented in the services of that Province, though they are far ahead of the Mahomedans in education (see page 183). Their number in the services has considerably decreased since the separation of the Province, as figures taken for comparison from the Civil List of 1901 will show. The rule that no monopolies should be allowed and that no community should be allowed to preponderate in the services has been completely ignored in the case of the Hindu minority in North-West Frontier Province.

(20) I doubt if any long step towards the grant of Dominion Status can be taken under the present conditions. As I am in favour of retaining the British element in services, it is all the more necessary (apart from meeting the peculiar case of the Punjab) to insert the clause imposing limits, if not forbidding the determination of civil rights on the basis of caste and creed, in order to remove the objection that a foreign bureaucracy will always divide us and will promote our fissiparousness.

*Postscript.*

Since greater part of this Memorandum was written I came across Dr. Shaffat Ahmad Khan's book "What Are the Rights of Muslim Minority?" This is the only comprehensive statement of the rights of the Muslim minority which I have seen. Dr. Shaffat Ahmad Khan has brought his scholarship and learning to bear on this work, and I am glad to observe that there are many points of agreement between me and him. Our basic and initial difference, however, is due to the indifference of my Hindu friends, against which I have already recorded a protest. Muslims are not in a minority everywhere nor Hindus in a majority everywhere. Our points of agreement are that: (1) Minorities may claim separate electorates, (2) that the constitution should contain a clause protective of the interests of minorities, and (3) that there should be legal machinery to enforce the clause by declaring invalid laws which violate the provisions of the clause.

I have discussed at length the question of separate electorates for Muslims in the Punjab, and I need not repeat what I have already said there. I do not know what Dr. Khan has to urge against the demand of the Hindu minority for joint electorates when he champions strongly the cause of the Muslim minority in other Provinces. Why should solicitude be shown to the rights of Muslim minority and why should it be withheld when the rights of Hindu minority are under consideration? As to the clause protective of the interests of minorities, Dr. Khan has quoted several, apparently with approval. Probably he wants the substance of all of them to be inserted in the constitution. He has not selected any particular clause. I need not reproduce all the clauses cited by him, but I may quote two, the principles underlying which I have adopted. In fact I have referred to only one clause from the Czecho-Slovak constitution, which would, with some modifications, suit my purpose. I have put forward a draft of my own with a list of exceptions. The draft, with its schedules, is simply meant to show how far the circumstances of the country justify equal treatment of all, and to what extent limit should be imposed on the determination of civic rights by caste or creed. If any one of my countrymen is of opinion that no limit should be imposed (and this is the proposal of the Congress) he is at liberty to say so. But I am not erring on the side of over-refinement in interpretation when I say that separate electorates, reservation of seats on representative bodies, reservation of appointments for certain communities (either on the ground of their backwardness or for the sake of preventing the predominance of one community or caste in services) are incompatible with the clauses which Dr. Khan quotes with approval. At page 35 of his book Article 7 of the Treaty with Poland is given. At page 126 Article 66 of the Treaty with Austria has been quoted. I reproduce them below:—

*Article 7.*

All Polish nationals shall be equal before the law, and shall enjoy the same civil and political rights, without distinction as to race, language or religion.

Differences of religion, creed or confession shall not prejudice any Polish national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments, functions, and honours, or the exercise of profession and industries.

No restriction shall be imposed on the free use by any Polish national of any language in private intercourse, in commerce, in religion, in the Press, or in publications of any kind, or at any public meetings.

Notwithstanding any establishment by the Polish Government of any official language, adequate facilities shall be given to Polish nationals of non-Polish speech for the use of their language, either orally or in writing, before the Courts.

*Article 66.*

All Austrian nationals shall be equal before the law, and shall enjoy the same civil and political rights without distinction as to race, language, or religion.

## MEMORANDUM ON HINDU MINORITY RIGHTS IN NORTH-WEST INDIA.

[Continued.]

Differences of religion, creed or confession shall not prejudice any Austrian national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employment, functions and honours, or the exercise of professions and industry.

No restriction shall be imposed on the free use by any Austrian national of any language in private intercourse, in commerce, in religion, in the Press, or in publication of any kind, or at public meetings.

Notwithstanding any establishment by the Austrian Government of an official language, adequate facilities shall be given to Austrian nationals of non-German speech for the use of their language, either orally or in writing, before the Courts.

I do not know the conditions prevailing in other Provinces with regard to language, but in the Punjab the Hindus, who form one-third of the population, have a grievance. Provision for teaching of Hindi is inadequate both in the Punjab and in North-West Frontier Province, as far as I am aware Hindi is taught in few Government or aided schools. In the Education Department of the North-West Frontier Province not a single Hindu is employed. In the Mission College at Peshawar the India Staff contains a large number of Hindus. In the Government College there is none. A clause in the constitution has to be very carefully worded and should be as brief as possible. I have not thought it worth while to raise the question of language or of grants-in-aid to schools. These are matters to be left to the Council, which, if constituted on a proper basis, may be expected to deal with them justly. But if my Hindu friends wish to raise the question before the Commission they may do so.

Dr. Shaffat Ahmad Khan wants effective representation of minorities in services. Mahomedans in United Province form 17 per cent. of the total number employed in the service of State, and in Central Province 24 per cent. Their population in United Province is 44 per cent. and in Central Province 4 per cent. Is not this effective representation? Does Dr. Khan advocate that if a larger number of capable Mahomedans were forthcoming they should be refused admission into the services? Does he hold that education amongst Mahomedans is not likely to make further progress? Does he

think that 44 per cent. of Tehsildars in United Province and 24 per cent. of Tehsildars in Central Province is sufficient, and no more capable Muslims should be employed on these posts? Does he advocate that a Sikh Jat who owns an acre of land somewhere in a village should be given preference for employment over a Kashmiri Musalman who has in the city of Amritsar property worth 20 thousand, but owns no acre of agricultural land? It is this sort of discrimination which my clause and the clauses quoted by him condemn.

I have noticed two very important omissions in Dr. Khan's valuable work. He does not propose the appointment of a Public Service Commission for the Province. He says nothing as to the desirability (not to speak of the necessity) of retaining the British element in services.

With regard to the former it appears that Dr. Khan thinks that so long as a certain percentage is reserved for the recruitment of Mahomedans in services their interests are safe. He forgets that disciplinary action ranging from suspension to dismissal by a Minister belonging to one community against a public servant belonging to another community creates a good deal of suspicion and consequent discontent. An appeal to the Governor is useless, for the Minister might have consulted the Governor. The greater the power of the Minister the less would the Governor be inclined to interfere with the orders of the Minister. Appeal should lie to an independent board which is so constituted that, whilst all important communities are represented on it, no community predominates, and the members of which in the case of a Provincial Commission are appointed by the Government of India, and in the case of Indian Public Service Commission dealing with All-India Service by the King.

With regard to the retention of the British element in services, I fear that there is no one to bear with me the brunt of criticism which the honest expression of an opinion (shared I have no doubt by a majority of those fit to form opinion on public question) will bring. I have only to hope that this will not be the only suggestion made by me which the Commission will adopt, rejecting all others.

I am very much indebted to Dr. Shaffat Ahmad Khan for all that he has written in the defence of minority rights, with most of which I agree.

**Figure 1**

[illegible]



## MEMORANDUM BY THE PUNJAB ZEMINDARS ASSOCIATION.

[Continued.]

3. With the representation granted to Punjab Zemindars in the Punjab Legislative Council, in which 55 seats for elected members were allotted to rural constituencies, they have been able to make their influence felt, with the result that the Reforms in the Punjab have worked smoothly and proved a success, as has generally been acknowledged.

#### IV.—PUNJAB GOVERNMENT AND PROVINCIAL LEGISLATURE.

(a) *Demand for Autonomous Government in the Punjab.* This Association, while recognising that a system of partial self-Government was necessary during the first stage of the reforms for the political education of the people, feels certain that a continuation of the present system in this Province will cause discontent and friction between the people's representatives and Government. The people of this Province have shown their good sense, and now desire to be entrusted with full responsible Government.

This Association therefore recommends:—

- (1) That officials should cease to hold seats in the Legislative Council, and that the present system of nominated members should be entirely abolished.
- (2) That the Provincial Legislature should be unicameral.
- (3) That the power to assent to or to veto bills should be vested in the Governor.

(b) *Franchise.*—The franchise for the Provincial Legislative Council in rural constituencies should be liberally widened and extended to owners of land assessed to land revenue amounting to not less than Rs. 5 and to tenants in respect of land assessed to land revenue of not less than Rs. 20 per annum. All retired or discharged soldiers should continue to have the vote as at present. This Association is most strongly adverse to female suffrage.

(c) *Constituencies.*—The present constituencies are too large, and the number of them too limited. The population of the Punjab (British Indian Territory) is approximately 21 millions. At least one constituency per 100,000 of the population on an average should be provided, or a minimum of 200 constituencies altogether.

The existing system of rural and urban constituencies should be maintained, but all towns scheduled as Municipalities or Notified Areas should be excluded from rural constituencies. This is particularly asked for in view of: (1) The rural community in India do not live in the country towns as they do in Europe and America. The people of the country towns belong almost entirely to the commercial, trading and money lending classes, and are connected by ties of blood, marriage, occupation and identity of interests with the people of the cities, as also with the moneylending shopkeepers in the villages, through whom they exert financial pressure to obtain votes from the rural community during elections; (2) the "Immovable Property" qualification of electors is grossly abused in the towns included in the present rural constituencies, in order that the number of electors with urban sympathies may be increased; (3) as the elections take place in such towns the town people gather in large numbers at the gates of the towns to support their own appointed candidates and use influence of all kinds, including official and financial pressure, as well as forcible persuasion, on the rural electors, who arrive separately or in small groups, to register their votes.

(d) *Qualification of Candidates.*—No person should be allowed to stand as a candidate in a rural constituency unless he is qualified as an elector therein. Such a rule would keep out all outsiders who know nothing about the constituency, and are without any sympathy for the rural community, but who, by undesirable means, get themselves elected.

#### V.—LOCAL SELF-GOVERNMENT.

Local self-government was conferred by Lord Ripon's Enactment Act XX. of 1883, as affording a

field in which Indians might best be trained in the management of public affairs. But, owing to the Government's excessive keenness for immediate efficiency, the management of District Boards has remained in the hands of District Officers, and the educative principle has been disregarded. In spite of a period of 45 years having elapsed since local self-government was conferred, practically all the management of the District Boards is still conducted by the District Officers in an autocratic manner. The members of the Boards, feeling themselves subordinate to official Chairmen, are prevented from expressing their views freely. Moreover, the power of nomination vested in the Deputy-Commissioners is not used to secure representation for minorities, but is used to secure their own authority by nominating people who are likely to be subservient to them. The present system is, therefore, a travesty of local self-government, and has made the promise of the British Government to give self-government to India to appear hollow.

2. To give the people experience in self-government it is essential that the District Boards should be absolutely free from official control in all matters within the jurisdiction of the Boards, and that non-official Chairmen should be appointed. At present the Boards are treated merely as consultative bodies by the District Officers, and, owing to the intensive system of centralisation that still prevails, in spite of the recommendations of the Decentralisation Commission, the necessity of conforming to the rules of Government Departments leaves practically no scope for local initiative. Moreover, the Boards are kept ill-equipped with funds. To remedy this and to give the Boards more financial power, some definite proportion of the Land Revenue, in addition to the present cess thereon, should be allotted to the District Boards. Too great a proportion of the revenues of the Province is being spent on objects that can benefit the people only remotely, if at all; whereas a rural uplift campaign under the auspices of the District Boards, with a view to improving sanitation and encouraging the formation of co-operative societies of various kinds, is the first essential. All officers allotted to districts by the various departments—Education, Agriculture, Health, Sanitation, etc.—should be put under the control of the District Boards, as also should be village panchayats, whose judicial powers should be extended. Moreover, District Boards should be vested with powers to impose taxes and collect dues.

#### VI.—EDUCATION.

Until some ten years ago the education of the land-owning and rural classes had been comparatively neglected by Government. All the colleges and important schools provided by Government had been placed in the cities and towns, which gave more or less a monopoly of education to the urban classes. Rural education had been relegated to the District Boards with their very restricted funds to provide, but even then the schools provided out of District Board funds were largely located in the towns at the instance of the District Inspector of Schools—in many cases men of urban sympathies—and therefore were used mostly by urban people. It was only with the inauguration (in April, 1918) of Sir Michael O'Dwyer's programme for the expansion and improvement of vernacular education in rural areas that the education of agriculturists was seriously undertaken. Since then rural education has made rapid strides, stimulated in no small degree by the influence of soldiers on their return from the several theatres of war overseas, as well as by the introduction of the reform scheme; so much so that even in several of the most backward districts, the educational programme intended to occupy fifteen years was completed in four. This proves that there is no lack of eagerness on the part of the rural community for education: the only impediment to the more rapid and wider spread thereof is the lack of provincial funds. This question will be dealt with in Part VII, paragraph 8, under the heading of "Finance." More schools for



## MEMORANDUM BY THE PUNJAB ZEMINDARS ASSOCIATION.

[Continued.]

turists and non-agricultural classes more fairly, income tax should be made a Provincial tax, the Provincial Governments paying a proportion thereof to the Imperial Government.

8. Further, much more latitude should be given to Provincial Governments to raise loans. At present much of the capital expenditure of Provincial Governments is being met out of revenue, and therefore the present generation is being called upon to pay for benefits which will accrue mostly to succeeding generations. Moreover, the present limitation of the powers of Provincial Governments to raise loans is impeding both development and progress. For instance, the chief impediment to the spread of education is the lack of funds for the provision of schools, whereas expenditure on school buildings of a solid and permanent nature should be regarded as capital expenditure, and financed by means of a loan.

## VIII.—RECRUITMENT FOR THE PUBLIC SERVICES.

This Association desires to impress on the Statutory Commission that the well-being and happiness of the rural masses depend almost entirely on the type and class of officials that are set over them both in the administration and judiciary. First and foremost, they require officials who understand and are capable of sympathising with them, otherwise no reformed system of Government is likely to benefit them. The utmost care should be taken in devising a suitable system of recruitment of officers for the public services. What may be a suitable system for England is entirely unsuitable for India, as also is the system that was initiated in India with the introduction of the Reforms which was based on the English model.

2. The sudden determination of the British Government to employ Indians in the administration and judiciary in largely increasing numbers, and the adoption of the principle of competitive examinations, has given all the advantage to the non-agricultural classes, who, until recently, enjoyed almost a monopoly of the educational facilities provided by Government, but who have no sympathy or affinity with the agricultural classes whatever.

3. This Association is very firmly of the opinion that the system of competitive examination is not suitable for India; firstly, because it is too mechanical and is incapable of testing candidates in more than one respect; secondly, because it takes no account of the fact that an immense cleavage exists in India between the trading classes in the cities and towns on the one hand, and the agricultural classes on the other, owing to Indians always having followed hereditary occupations from time immemorial. Nor does it take account of the fact that India, during the past century, has become a money-lenders' ridden country; and that, owing to the advantages in respect of educational facilities which the trading and money-lending classes have enjoyed, these two classes, so distinct from and apathetic to the agricultural classes, will succeed in gaining an ascendancy in the judiciary and all departments of the administration; although neither the hereditary qualities nor the instincts of the money-lending class make them fit to be justices and administrators over the agricultural classes.

4. Qualifying examinations are undoubtedly necessary for appointments to the public services, but selections from among the candidates who pass the qualifying tests should be made by a Provincial Public Services Commission to be appointed by the Provincial Government, since the present All-India Public Services Commission is entirely unsuitable for the purpose, on account of its lack of knowledge of Provincial conditions.

5. To satisfy communal jealousies, until they are gradually overcome, appointments should be apportioned to the zemindar community proportionately to its population. The objection that such an arrangement would militate against efficiency is only a theory insisted upon by the academically minded. All over the world, men who have succeeded best in business,

the army, and other occupations, did not succeed best at school.

6. The Provincial Government should be given the power to remove Government servants from employment who prove unsuitable or corrupt. The procedure at present to be gone through, before an official can be discharged, involves so many difficulties, and gives heads of departments so much extra work; that it is only very rarely that any effort is made to remove an unsuitable or corrupt official. This is the root cause of much of the peculation and corruption that exists in the Government services.

## IX.—GOVERNMENT OF INDIA AND CENTRAL LEGISLATURE.

(a) *Lack of Representation of Rural Classes in Legislative Assembly.*—Pleased as Punjab Zemindars are to have been able to assist the Reforms in the Punjab to succeed, they have felt uneasy and disturbed in regard to the development of the Reforms in the Central Legislature. Great was their dismay to find that the rules framed by Government in regard to the qualification of electors and candidates for election, and the arrangement of constituencies, as between rural and urban interests and also as between Provinces, had in actual operation failed to give agricultural interests, which so largely predominate in India, anywhere near adequate representation. Therefore, instead of the majority of the elected members in the Legislative Assembly being properly representative of the large bulk of their countrymen, they represent only the comparatively small urban middle class.

(b) *Cleavage of Interests between Rural and Urban Classes.*—This Association would impress on the Statutory Commission, with all possible emphasis, that the urban middle class, which is akin to and includes the moneylending class, has no sympathy with the agricultural classes whatever; and that the interests of the two classes are diametrically opposed to one another. The urban middle class, with the academical education they have received, look down upon agriculturists as being only good enough to plough land, produce food, supply the revenues, act as cannon fodder, and to be exploited in every way conceivable. Although the urban middle class have recently proposed universal suffrage, it is only to create a huge irresponsible electorate whom, in their poverty, ignorance and immense numbers, sufficient to swamp all other classes, they expect to be able to keep under their influences. In India the power of the moneylenders is universal and supreme.

The educational policy of Government, whereby educational facilities were limited to the towns, has favoured this class; they have monopolised the Indian Press; they are carrying on propaganda in England and all over the world, pretending to be the spokesmen of India. Their aims are: To rule India and to bring every other class, including the Indian Princes, under their dominion; to obtain and keep a monopoly of Government appointments; to impose almost the whole burden of taxation on the agricultural classes; and to obtain possession of the land by repealing all laws that are at all protective of Zemindars against usury and sequestration.

(c) *Defects in the Electoral Rules.*—This Association would point out some of the defects in the rules and arrangements in regard to electors, candidates, and constituencies that have led to the present unsatisfactory situation.

(1) Although the agricultural classes form 80 per cent. of the population, only 45 rural and landowners constituencies out of a total of 103 were provided in the Legislative Assembly, and the majority of these were captured by urban candidates for reasons given below. *To the Punjab only one rural constituency (Landholders) was allotted.* And in the Council of State not a single constituency was provided for Landholders in India.

(2) Large towns, with populations extending in some cases to nearly one hundred thousand, have been included in rural constituencies in other Provinces, and



## MEMORANDUM BY THE PUNJAB ZEMINDARS ASSOCIATION.

[Continued.]

Unless they are given sufficient representation in the Central Legislature to protect themselves, their condition must inevitably grow worse.

#### XI.—COMMUNAL REPRESENTATION OR JOINT ELECTORATES.

At first sight it might appear that this Association, a non-communal organisation, would be in favour of joint electorates, since in a joint electorate it would be possible for zamindars of all kinds to vote for the candidate most favourable to their interests as a class, whatever the religion of the candidate might be. But with a politically inexperienced electorate, deeply engulfed in debt and firmly caught in the clutches of the money-lenders, who are members or allies of the urban oligarchy, the danger of joint electorates would be that the influence of the money-lenders would be used to support candidates in the pay, or in sympathy with, the urban oligarchy. The Hindu zamindars fully realise the situation. They have already seen candidates who are members of the urban oligarchy—having no affinity whatever with the rural area—succeed in capturing rural constituencies from candidates respected and popular throughout the countryside. But there are but few Muslims and Sikhs who are not agriculturists, and fewer still who are in sympathy with the urban oligarchy. Therefore, so long as communal representation is maintained, it means that the large majority of Muslim and Sikh seats will be secured by candidates with agricultural sympathies and interests despite the endeavours of professional politicians, who are in sympathy with or in the pay of the urban oligarchy, to capture them. Until the people have learned to combine, in Associations such as this, on the basis of their secular interests, and have realised that they can safely do so without prejudice to their religious interests, it would be injurious to agricultural interests to substitute joint electorates for communal representation. Class feeling amongst the people is gradually developing. Autonomous Government and wise statesmanship should do much to assist this development. But no attempt to force it by abolishing communal representation should be made. Communal representation should be retained during the next stage of the reforms, in the course of which, it is to be hoped, education among the agricultural community will make rapid progress. Then, by reason of their more educated condition, a more fully developed class feeling, and adequate representation in the Legislatures, the agricultural community should be in a better position to safeguard their interests without such artificial aids as communal representation and special provisions for rural constituencies. Moreover, by then, it is to be hoped, the problem of the political destiny of India will have been solved and a federation of autonomous Provinces and States will have come into existence; for a final solution of the question, particularly on such lines, should set at rest the present agitated feelings of the various communities in regard to the uncertainties of the future.

#### XII.—CONSTITUTION BEST SUITED FOR INDIA.—A CENTRAL OR FEDERAL GOVERNMENT.

This Association is convinced that, in this vast country, which, in reality, is a sub-continent, containing, as it does, a population of 300 crores (300 millions) of so many diverse races and languages, as well as a large number of independent States, only a federal constitution of autonomous Provinces and States can

succeed. Any attempt to make one political entity of India in any other form must inevitably end in failure. It should be remembered that India is as large as, and has a population equal to Europe without Russia, and in India there is a much greater diversity of races and languages than in Europe. The people of the Punjab differ more in character from the people of Madras than the people of Norway and Sweden do from the people of Italy and Greece. Moreover, whereas in India there are several very distinct religions and an infinite number of castes, the people of Europe are all Christians, except for a small minority in the South-East. Yet the statesmen of Europe, with greater political experience than Indians possess, experience difficulty in reconciling the comparatively slight differences that exist between the component elements of the populations of many of the European countries, including some of the smallest.

2. It is true that a central form of Government in India succeeded under the Emperor Akbar, and again under the British until recently, but only because in both cases the Governments were of an autocratic nature, and because, under British rule, the administration has been practically homogeneous. Moreover, this form of Government succeeded only while the people remained in an ignorant and subdued condition. But recently, owing to the spread of education and the introduction of a semi-democratic form of Government, contentions among the people all over India have begun to set in, with the consequence that India, as one political entity, has become too unwieldy for one Government to control. The control exercised by the Secretary of State over the Government of India, and the control of the Government of India over the Provincial Governments ties the hands of all Governments, and leads to misrule rather than good Government, particularly in view of the fact that the Secretaries of State seldom possess any personal knowledge of India, and the Government of India is not acquainted with local conditions in the Provinces.

3. It is essential that, for good Government, the Head of the State should be fully acquainted with the conditions prevailing, that he should be easily accessible, and that he should have full power to allow his Government to effect remedies where and when they are necessary. At present the Central Government, being out of touch with the Provinces, is disinclined to give its sanction to measures required in one Province until all the Provinces have been consulted, the outcome of which may be a compromise that does not prove effective. The machinery of a Central Government is far too ponderous and induces excessive centralisation.

4. For such reasons this Association is emphatically in favour of full autonomous Government for the Provinces, which should be regarded as separate States of a federation. The Governor of a Province should have full power to assent to or to veto Bills that concern the Province only. Also, law and order and the judiciary should be under the control of Provincial Governments, so that the law may be made suitable to the people of each Province, and so that the people may possess a judiciary that understands and is in sympathy with them.

5. The powers of the Government of India should be limited to the control of foreign and political affairs, the Army, Navy and Air Force, the Ports, Customs, Railways, Posts and Telegraphs, the Currency, and the Mint, and such affairs that affect the federation as a whole; and the powers of the Secretary of State should be restricted to the control of foreign and political affairs and of the British Army.



## MEMORANDUM BY THE INDIAN CHAMBER OF COMMERCE, LAHORE.

[Continued.]

hold of every string transferred or reserved in the Government. He very soon gave indications that he was out to free the official bloc from its serfdom to the Mahomedan group. He threw over the nominees of Sir Fazl-i-Hussain to the vacant Ministership, and, when some shuffling was necessary on the return of Sir Fazl-i-Hussain from the Government of India, Sardar Tara Singh, a new recruit to the so-called rural party, headed by Sir Fazl-i-Hussain was Chaudhri Chotu Ram. Sardar Jogendra Singh was appointed, who did not belong to the Ministerialists. In the matter of appointments also there was a distinct change. The vacancy caused by the retirement of Sir Abdul Raouf from a Judgeship of the High Court went not to a member of the same community, but to the Government advocate, who was a Christian. This was all to the good, as also the quashing of the Money Lenders Bill, which was one of the most exciting and bitter chapters of political controversy in this Province. The Money Lenders Bill was moved by a private member, but it was given the facilities of a Government measure, as it owed its inception to an official member, and the private member was merely the putative father.

1927.

The elections of 1926 brought further changes in the administrative machinery. Chaudhri Lal Chand and Chaudhri Chotu Ram had been representatives and nominees of the Ministerial Party. A new alliance was made with the bloc of Raja Narendra Nath and it was quite on the tapis that, with the assistance of the non-ministerialists, Government would carry on. The Government accepted Mr. Manohar Lal as Minister, appointed Hachhi Tek Chand to the High Court, and reappointed Sardar Jogendra Singh. A telegram, however, from one of the Congress members, that the Congress group could not co-operate with any ministry, upset the calculated equilibrium and the Governor had to turn again to the "Ministerialists" for some support. Chaudhri Shahabuddin was their nominee, but he was superseded and Malik Peraz Khan Noon, who had the support of five or six votes in the Council, was appointed. Angry meetings were held at the house of a prominent official, where no-confidence motions were drawn up.

*The Present Ministry.*

The present ministry, if not a very outstanding one, was about as good as could have been appointed. It is somewhat unfortunate that none of the members of the present ministry can be regarded as representatives of a public opinion as understood in the West. There is some semblance of unitary Government, because after the Muddiman Committee some attempt was made to take decisions on matters jointly in the Executive Council. The Ministers have made no secret that the policy of their departments is the policy of the Governor, and it is neither their policy nor the policy of the Council. This state of affairs may be satisfactory from the actual results if the Governor is an exceptionally intelligent man, but whether this is desirable in the light of constitutional development is very dubious.

For the moment the policy of communalism is out of the limelight. It was never a very convincing policy nor carried great weight with the masses. There have been riots and some very bloody riots, but the controversy has been superficial. So long as a people have nothing else to quarrel about, religion is the last resort. There can be no doubt that the evils of communalism originate in communal electorates. In the present system, educated gentlemen have to seek election on tenets and beliefs with which they have little sympathy and their entire public careers are moulded, not in the interests of progress, but in the interests of the retention of their seats and offices. That religion is merely a trade mark for most communalists is distinctly in evidence, that many prominent men who proclaim that Islam is in danger break many tenets that Islam holds dear every day of their lives, and similarly those who plead that Hindu

interests are being sacrificed to do the same. The masses are not communally biased. Theirs are economic interests and the man in the fields understands his crops better than his God.

*Momentous Years.*

The years 1920-28 have been momentous in the annals of Punjab history. Punjab has been traditional for its common-sense and practical nature. To the rest of India Punjab has always been more or less an Uter. Punjab is generally prosperous and prosperous people are less inclined to favour changes of administration. That is behind the policy of rural encouragement in successive Punjab administrations. But with prosperity comes progress, and progress leads to enlightenment. The reforms in the Punjab have been, if viewed from a detached standpoint, successful. There have possibly been some chapters that do not do credit to the history of these years, but there have been more or less the result of extreme causes rather than inherent incapacity to view matters in their correct perspective. As Sir John Maynard put it, the Reforms in the Punjab have brought forth sensible councils, intelligent electors, capable ministers, and that there is no half-way house between dyarchy and full responsible Government.

If asked whether in view of the history of the communal strife in this Province, we should be willing to entrust the Government to a Ministry entirely autonomous, say, headed by Sir Fazl-i-Hussain, we would answer in the affirmative. No Government, not even a communal Government, can carry on in total disregard of other interests or progress, and parties and groups on issues other than communal are found to be formed. Shorn of the prominence given to matters of petty communal interest, the Reforms have proved an era of marked progress, of valuable experience, and enhanced responsibility. There have been shortcomings in some particulars; no scheme of things could or has ever been perfect. The working of the Legislative Council, the handling by Ministers of their portfolios, the co-operation of the Press have, in spite of handicaps, been successful. The outstanding contribution to the development of responsible Government is undoubtedly that of Sir Fazl-i-Hussain. One may not agree with everything that he has done, but he has demonstrated the power and capacity of his countrymen to handle the administrative machinery.

*Failure of Dyarchy.*

The failure of dyarchy has long been recognised by Indian public opinion, but the main contentions of the Indian standpoint were borne out to the Muddiman Committee by Sir John Maynard, then member of the Executive Council in this Province. A brief reference to the salient admissions contained in this evidence may, therefore, not be out of place.

The contention of the Indian witnesses were, in the main (1) that there was interference by the Government of India in matters which mainly concerned Local Governments; (2) that the powers of ministers have been considerably curtailed and obstructed by the interference of the Local Finance Department; (3) that the services enjoy and have enjoyed special privileges; (4) that the real communal antagonism is not in the masses but in the papers; (5) that the "Reforms" were responsible for the party bitterness; that the system of communal electorates and communal Government must be done away with; (6) that dyarchy has failed and must be abolished; (7) that the people have demonstrated their ability for responsible government; (8) that there can be no half measure and that it must be full responsible government.

It may be surprising but each of these contentions was amply established by Sir John Maynard, (1) as to the interference by the Government of India, Sir John, admitted there was a difference of opinion between the Government of India and the Punjab Government over the assent of the former to the introduction of certain Bills of local importance. Two











In conclusion, the Association deems it desirable in the best interests of the country, strongly to recommend that, as in the case of the Council of State and the British Parliament, the life of the other legislative bodies in India be increased from three to five years.

#### *Muslim Representation in the Punjab and Bengal.*

Out of the nine reformed Provinces the Punjab and Bengal are the only two Provinces wherein the Muslim community claims the majority of population, viz., 55 per cent. of the entire number. But, in spite of it, the representation of the community in the two Legislative Councils is only 44 per cent. in the case of the Punjab and about 40 per cent. in the case of Bengal. This is incompatible with the political status of the important community and the Association, therefore, impresses upon the Royal Commission the urgent necessity of redressing the grievance by, as far as possible, adopting in this particular case, the population basis for representation in the respective Legislative Councils.

#### *Reforms in the North-West Frontier Province and Baluchistan.*

The overwhelming majority of the population of these Provinces has been demanding (and justly, too) reforms for the last several years, but this demand has not been satisfied merely because the Hindu minority is alleged to have opposed it. This state of affairs is very unfair; the Association, therefore, strongly recommends that immediate steps should be taken to bring the Settled Districts of the North-West Frontier Province and British Baluchistan in line with the rest of India. This demand on their part has a wholehearted support of the whole Muslim India, and even the Indian National Congress and the majority of the Bray Committee have recognised the justice thereof.

#### *Separation of Sind.*

The Province of Sind has absolutely nothing in common with the Bombay Presidency. The union is based neither on ethnological, geographical, linguistic, agricultural, nor any other sound considerations. A mere accident that it was the army of the Bombay that conquered Sind is responsible for this unnatural arrangement. Our Province has suffered very much on this account. Educationally, economically, politically and socially we are far behind the Presidency. Even the development of the Port of Karachi has been impeded on account of the jealousy of the Bombay harbour. Looking to these, and several other circumstances, this Association strongly urges that the Province of Sind should be separated from the Bombay Presidency and given its own executive and legislative machinery. This is the demand of the majority of Sind population, which includes Muslims, Parsies, Christians, business people belonging to different communities, and a large section of the broad-minded Hindus. The entire Muslim India is also strongly in favour of this proposal and even the Indian National Congress has recognised the justice of this demand.

#### *Future Constitution of India and the Residuary Powers.*

India is a vast subcontinent divided into Presidencies and Provinces, inhabited by peoples speaking different languages, possessing divers characteristics, and living under their own respective Provincial Governments. It is therefore inevitable that the constitutional development of the country must be towards the evolution of the Federal State for India within the British Empire, each territorial unit forming a State in itself and all being governed in matters of important common concern by a Central Federal State. In other words, the final goal of administration in India should be the ultimate crea-

tion of a United States of India within the British Empire, the future constitution of the Federal States being on the lines of the United States of America, the Central Government possessing only such powers as may expressly be reserved by it and all the "Residuary Powers," being vested in the individual States. The Association is therefore of opinion that the next stage in Indian constitutional advance should be so devised as to facilitate this end.

#### *Secretary of State for India and India Council.*

The powers of superintendence and control over India vested in the Secretary of State under Section 2 of the Government of India Act of 1919, are of an embarrassing character and inconsistent with the spirit of the declaration of the 20th August, 1917. The Association is, of course, cognisant of the fact that the time has not yet arrived when the administration of Foreign and Political affairs, the Army, the Navy, and the Air Force, can be safely transferred to the popular control, but it is strongly of opinion that the powers of the Secretary of State in matters relating to the internal administration of the country should be completely relaxed, as this unlimited exercise of power by a British politician, sitting in his office 6,000 miles away, with practically no experience of the complicated Indian situation is opposed to the principles of sound administration and the best interests of the country.

The introduction of this reform will render the costly machinery of the India Council absolutely unnecessary. If, at any time, the Secretary of State for India stands in need of advice on matters of foreign administration, the Army, the Navy, and the Air Force, he could rely, as he now does, on the experts of respective departments. In any case, the reform suggested will evidently result in the substantial saving of expenditure now incurred on the personnel and staff of the India Council.

#### *Central Government and Legislature.*

A further constitutional advance towards the ultimate goal of responsible Government within the British Empire being necessary, the Association respectfully suggests the under-mentioned alterations in the machinery of the Central Executive Government.

(a) Taking into consideration the peculiar circumstances existing in India which are unknown in all civilised countries of the world (viz., variety of religions, rank-communalism, caste-prejudice, etc.), the Association deems it necessary to suggest that the appointments in the Cabinets of the Provincial as well as Central Governments should be so filled as to give the Muslim community an adequate representation therein consistent with their importance in the political sphere and their voting strength in the respective Councils.

(b) Should there be any minor Provinces (like Delhi and Coorg) under the direct control of the Government of India, the system of administration followed in those tracts should be similar to the one followed in the reformed Provinces, the Central Government being made responsible to the Central Legislature for the administration of transferred subjects in the territories directly under its charge.

As a measure of advance towards the ultimate goal of responsible Government the members of the Central Cabinet, particularly those in charge of our universities and the work of co-ordination of provincial activities in the administration of the transferred subjects, should be selected from among the elected members of the Central Legislature and made responsible to it for the due administration of those subjects.

(c) The control of the Central Legislature over the country budget should be sufficiently widened by increasing the number of votable items, particularly with regard to the All India Services except (if absolutely necessary) those relating to the Army, the Navy, the Air Force, the foreign and political affairs, and law, order and justice.

## MEMORANDUM BY THE SIND MUHAMADAN ASSOCIATION.

[Continued.]

*The Provincial Governments and Legislatures.*

In regard to the Provincial Governments the Association submits the following changes:—

(a) A unitary form of Government should replace the Dyarchy in the Province as in actual working the latter has disclosed enormous practical difficulties and complications.

(b) As a measure of a substantial advance towards the ultimate goal of responsible Government, full autonomy should be conceded to the Province, placing all Provincial subjects in charge of Ministers responsible for their administration to the Provincial Legislatures, the Governor being the constitutional head of the Provincial Government.

In this connection the Association is sadly cognisant of the unhappy events which have disturbed the peace of this country during the last few years. It might, therefore, be argued (and perhaps rightly, too, to some extent) that time has not yet arrived when the subject of law, order and justice can safely be trusted to the popular control. To meet the situation, and only as a temporary measure, the Association suggests that the subject of law, order and justice might be placed under the direct control of the Governor himself, full autonomy being restored when the disturbed conditions settle down.

(c) The control of the Provincial Legislatures should be widened over the Provincial budgets in the manner suggested in regard to the Central Legislatures.

This Association is strongly in favour of the immediate separation of Sind from the Bombay Presidency, but if, unfortunately, this united Muslim demand is not immediately possible of compliance, this Association desires strongly to emphasise the urgent necessity of adopting the population basis in the matter of distribution of the Muslim seats (in the Council and Assembly) between the Province of Sind and the Presidency proper. Under the present arrangement, looking to the comparative figures of population, we notice that the Bombay Presidency has been treated favourably, while Sind has not had her due share. There is no justification for this inequitable distribution of seats between the two sections of the same community. The Association, therefore, respectfully urges upon the Statutory Commission the need of an equitable redistribution of the Muslim seats under the new constitutional arrangement.

*The Services.*

The rate at which Indianisation of services by direct recruitment of Indians to the Imperial service as well as by provincialising the services, has been progressing is rather slow. Even the halting recommendations of the Lee Commission have not yet been put into effect in their entirety. But, at the same time, the Association is of opinion that time has not yet come when the civil administration of this country should be run by Indians alone independent of European civilians. Unfortunately the communalism and caste hatred in India is yet so very high that there is every apprehension of one community dominating the other. In the interests of justice and equity it is very essential to still maintain such proportion of European civilians in service that it may command sufficient influence over the internal administration of the country in holding the balance between the different communities. The Association, therefore, taking into view all these fundamental points which could not go overlooked, makes the following recommendations:—

(a) The Indian Civil Service is a costly machinery, and, therefore, to make the administration a little cheaper and, on the other hand, to encourage better class of people to enter the subordinate service, it is necessary to raise the proportion of the Provincial service men holding posts of District Collectors and District Judges. The Association is of opinion that 40 per cent. all round will be a fair proportion for the men belonging to Provincial service.

(b) The remaining 60 per cent. appointments should be held by the I.C.S. people. Out of that two-thirds of Europeans should necessarily be recruited every year and one-third Indians. Thus European civilians will have 40 per cent., Indian civilians 20 per cent., and Provincial service men 40 per cent.

(c) In order to safeguard the interests of the Muslim minority in the case of men belonging to Provincial service holding these high posts, the Muslim community should have its proportion equal to its population in each Province; and on the other hand, in the case of Indian civilians, special effort should be made to secure one-third of Mussalmans in service. Till Mussalmans are able to secure this reasonable share in the open competition 25 per cent. of the seats allotted to Indians be filled with Mussalman suitable candidates by way of nomination.

2. *Equitable Recruitments.*—The unanimous demand of the entire Muslim community in India for their proportional share in the administrative machinery of the country, is perfectly consonant with the principles of justice and equity. The very grounds hitherto urged by the Indian politicians for the Indianisation of our services apply equally to an equitable adjustment of the claims of the various communities to a proper share in the administration of the various departments which manage the affairs of the country and look after the welfare and happiness of the people. Indeed, it is not so much Legislative Councils which comes into direct contact with the Indian masses as the various departments of our administration, and it is in reality in the hands of the latter that the welfare and contentment of the vast population of the country lies. It is obvious, therefore, that it would not be only unjust but would also constitute a grave political danger to allow the services which administer the various departments to become the monopoly of a class. The existing position, undoubtedly, is that with the exception of our fighting forces and the police, there is an overwhelming majority of caste Hindus almost monopolising all branches of our public services, and the Muslim community, in spite of its educational progress and political importance, is inadequately represented in our administrative machinery.

The Association earnestly hopes that means will be devised as a result of which, consistently with the needs of efficiency, the Muslim community would obtain its due share in the services in order to secure the happiness and contentment of all alike.

*Separation of Judicial and Executive Functions.*

For several years past the Indian public opinion has unanimously demanded separation between the Judicial and Executive functions of the administrative machinery. This Association is aware that for obvious reasons (including the one of expenditure) it is not immediately possible to carry out this much-needed reform, but it hopes that a substantial step will be taken in that direction in the near future. The separation between the two functions may be gradual, but the time has come when it should be taken in hand forthwith.

*The Agricultural Class.*

The Association views with great regret the fact that the economic position of the agricultural class of this country is rapidly deteriorating owing to the heavy burden of taxation. The agriculturists pay varying from 25 to 50 per cent. of their income towards the State; whereas all the other classes and industries contribute a maximum of one-eighth of their income towards the State. This fact has made agriculture the least paying industry in India. India's main industry is agriculture, and therefore it is the bounden duty of Government to put forth special efforts to ameliorate the condition of the poor agriculturist in the Mufassil. In other civilised countries of the West, just as Great Britain, the land-

owners pay only income tax just as business people and the people of all other classes. This procedure exempts the peasant proprietors from the heavy burden of taxation, and allows them to make their living out of their small bit of land with contentment, without seeking any other occupation. The principle enunciated in India by the British Government that the ownership of soil vests in the State, is without any foundation, and does not find support from any section of the public. The Indian Taxation Inquiry Committee recently appointed by the Government of India has expressed the view that the ownership of the soil vests in the individual owner and not the State. This opinion of the Committee is supported by various facts. This is one of the main reasons why the state of the agriculturists in India is getting worse day by day. The Association therefore urges upon the Royal Commission to recommend to the British Parliament any such measure that it considers advantageous and beneficial to the agriculturists of this country, so that the great bulk of population of British India may live in peace and contentment.

*The Safeguards for the Muslim Minority.*

The following are the safeguards that the Association considers necessary to be provided before any step is taken to grant further instalments of self-government to this country. If the British Parliament does not provide these safeguards the Association is quite confident that self-government in India will operate adversely on the Muslim community and other minorities, and it will be a complete failure in this country, peculiarly constituted as it is :—

(a) The retention of present system of separate electorates.

(b) Adequate representation of Muslim community and other minorities in the Central and Provincial Cabinets.

(c) To maintain due proportion of Mussalmans in services high and low, in view of the recommendations made in the special paragraph on the subject.

(d) To allot one-third representation in the Central Legislature and in those Provincial Legislatures where the population falls below one-third.

## KARACHI.\*

Dated 12th November, 1928.

## PRESENT:

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KILMER PRATTEND), AND OF THE BOMBAY PROVINCIAL COMMITTEE.

## Deputation from the Sind Muhammadan Association.

The deputation consisted of:—

1. Mr. Muhammad Ayub Shah Muhammad Khuhro, M.L.C.

2. Mir Ayub Khan, Barrister-at-Law, First Class Honorary Magistrate.

3. Mr. Abdur Rahman, Barrister-at-Law, Karachi.

4. Mr. Wahidbaksh Illahibaksh Bhutto, M.L.A., Zamindar.

5. Khan Bahadur Jan Muhammad Khan, M.L.C.

6. Mr. Muhammad Kamil Shah, Zamindar.

7. Khan Bahadur Wali Muhammad Hussanally, B.A., LL.B.

8. The Hon. Mr. Ali Baksh Muhammad Hussain, Member, Council of State.

1. *Chairman:* Mr. Khuhro, you, I think, are going to be the principal spokesman, are you not?—(Mr. Khuhro): Yes, I am.

2. You are, I think, a member of the Bombay Legislative Council for the Larkana district?—Yes.

3. One of the three members, is it not?—Yes.

4. Then I see Khan Bahadur Wali Muhammad Hussanally, whom I had the pleasure of meeting last night. He was a member, I think, of the Legislative Assembly for two periods?—Yes.

5. He is also a special first-class magistrate and a gentleman who has a very long experience of the district?—Yes.

6. Have we also here, I think we have, Sardar Wahidbaksh, a member of the Legislative Assembly?—Yes.

7. What is the constituency he represents?—The Dandiana and Jagirana of Rural Sind.

8. And in Mr. Abdur Rahman we have an advocate practising at Karachi?—Yes.

9. And the Honourable Mr. Ali Baksh is a member of the Council of State?—Yes.

10. Then, of course, we have Khan Bahadur Jan Muhammad Khan, M.L.C., and others?—Yes.

11. I think the best course will be to ask you, Mr. Khuhro, to make a short statement in support of your Memorandum. You will appreciate that we all have your Memorandum and have read it with a great deal of care; so it will not be necessary to refer to every point mentioned therein. But if you would like to make a short statement you may do so—I want to submit a short statement of the demands that we wish to put forward on behalf of our Association. The first thing that we want is that Sind should be separated from the Bombay Presidency and constituted into a separate autonomous Province.

12. You want the separation of Sind and the creation of Sind as a separate Province?—Yes. Our next demand is that we want separate electorates for the Legislature, the local as well as the central, the local bodies and educational institutions such as the university.

13. You want separate electorates wherever there is election, apparently?—Yes.

14. Just let us see how it is now. As far as the Bombay Council is concerned in Sind there are separate electorates are there not?—Yes, there are.

15. Supposing that Sind remained part of the Bombay Presidency, do you wish that to continue?—Yes, we wish to be represented by separate electorates, as is the case at present.

16. Do I understand you to say, also, that if Sind were to be separated and a new Province created, in this new Province of Sind you ask for separate electorates?—Yes.

17. The Mahomedans will be in a very large majority?—Yes. At present what we feel is this: It is very essential for us to be separated. If we get separation then the question arises whether the majorities should have separate electorates or not. That is a separate issue.

18. What you really meant was that, as things now are, with Sind as part of the Bombay Presidency, you wish to have separate electorates in Sind?—Yes.

19. But supposing that Sind was made a separate Province, you reserve the question whether there should be separate electorates or not?—Yes, that should be reserved for a subsequent stage.

20. The population of Sind is about 8½ millions and of those 8½ millions about 2½ millions are Mahomedans?—That is true, but we have got other disadvantages at the same time.

21. You wish to have the majority protected?—I would submit that, though we are in a majority so far as the population is concerned, we have so many other disadvantages. For instance, most of our population is in the mofussil and the Hindu population is largely in big towns where they can easily go to the polling booths, and, further, they are more educated. Their voting strength at present is nearly equal to ours though their population is about 27 per cent.

22. I would just like to follow that. In the Bombay Government memorandum we have got three figures by adding which we should get the present voting strength of the Hindus. In round figures there are 18,000 of them in Karachi city, there are 24,000 of them in Eastern Sind and 25,000 of them in Western Sind. The total of these figures comes to 67,000. What do you suppose the total Mahomedan voting strength is?—Roughly, I think, it is the same. Over and above that there are other disadvantages, for instance, the Hindu class exercise great influence in the mofussil. The Hindu community is far more organised on account of their education and other facilities they had

\* For evidence taken in Bombay, see pp. 1-52.





## DEPUTATION FROM THE SIND MUHAMMADAN ASSOCIATION.

[Continued.]

rentation. It was on account of that that we got separate electorates in the local bodies, in municipalities and district boards. If we revert back to joint electorates now, our position will be the same as it was before the Reforms in the municipalities and district boards. And therefore I say that we require separate electorates whether *Sind* is made into a separate province or continues to remain with Bombay.

*Chairman.* I might perhaps at this juncture say that Mr. Stewart has added up the figures, and they certainly are very striking. As things are now, the non-Mahomedan voters in *Sind* amount to 67,000, and the Mahomedan voters add up to 59,000. Certainly it is very striking, in view of the fact that two and a half out of the total of three and a quarter millions are Mahomedans. So that it really comes to this, that the three Hindus who sit in the Council representing *Sind* have got much more populous constituencies than the fourteen Mahomedans who sit in the Council. That is, 14 members share a constituency of 59,000 voters, while three members share a constituency of 67,000. That is striking.

*Mr. Atlee.* You said that the Mahomedans are very much under the influence of the *bania* class? Yes.

*Q.* Can you tell us the process in which the influence is exercised?—The thing is the Mussalmans who are the agriculturists generally belong to the peasant class, and they do stand in need of borrowing money from the *bania* money-lenders. It naturally follows that at the time of election, if there were joint electorates, the *bania* who would be directly interested, will bring to bear his influence of money, and the Mussalman voter who is under his thumb will certainly consider twice before he does anything against his will.

*Q.* But how is that done? Supposing you have an election and a large number of voters vote for the Mahomedan against the will of the *bania*, how is the influence exercised?—There are other difficulties also. For instance, a *bania* does not advance loans only by taking mere receipts. He lends his money on the mortgage of landed property. Supposing he advances Rs. 1,000, he takes the extra precaution to get mortgaged a property worth Rs. 10,000, which also is done by a clear sale deed, hence the future fate of that Mussalman more or less is in the hands of that *bania*.

*Q.* But supposing you have an election, and supposing for the seat there are only Muslim candidates. What has the money-lender got to do with it?—There the money-lender could insist on a particular Hindu candidate being put up and voted for against the Mahomedans. The Mahomedans have got no such organisation among themselves as to make it a common thing and join together in voting.

*Q.* Then the second point is this. When it has been suggested that there should be joint electorates with reservation of seats, it has been said that in that case what you call bad Mahomedans would be put up against good Mahomedans?—Yes, that has actually happened.

*Q.* Why has not the *bania* now with separate electorates succeeded in putting up his candidates?—At present the fight is between one Mahomedan and another Mahomedan, and one Hindu and another Hindu, and therefore, as a matter of fact, the *bania* is not interested. Of course, even at present a certain amount of influence is exercised, but it is not so much as it will be if the communal electorates are changed into joint, when he will have a strong additional advantage of Hindu voting.

*Q.* Why not? Supposing you have a politically conscious *bania* class, why do not they do it now?—At present the Mussalmans, as they have got their own separate electorates, generally select the best

Mahomedan candidates to stand, and they succeed almost always, although occasionally there might be some difference here and there.

*Chairman.* I was going to make this suggestion for the sake of good order. I think it might be a convenient plan if questions to these gentlemen about their desire for the reparation of *Sind*—a very important point—were put as it were together separately at the end of our morning sitting, because otherwise all points will be mixed up. Perhaps there might be a few questions to be put by other members on other matters.

*Mr. Raja Nawab Ali Khan.* You consider the Sikhs in *Sind* a distinct community from the rest of the Hindus?—No; they are for all practical purposes Hindus, but they are very few.

*Q.* But you consider the depressed classes a distinct community?—As a matter of fact, there are very few depressed classes people here. Their number is absolutely negligible. In *Thar* and *Parkar* district we have got a few.

*Q.* You have recommended separate electorates for them in your memorandum?—We have said that ultimately that should be the method to secure their proper representation, which otherwise will be difficult to ensure.

*Q.* Do you recommend adult suffrage now?—The Association, of course, by a majority decided it.

*Q.* You have stated at page 202 that the grant of adult suffrage need not be delayed any longer?—The Association did decide so by a majority, but my own personal view is that some time ought to be taken before adult suffrage is given.

*Q.* Then, on this matter, you differ from the others?—Slightly I do, and that for two reasons. One is that at present there is the objection of Mussalman women going to the polling booths. They observe *purdah*, and that is one of the difficulties in our way; and secondly, there is the backwardness of education among the Mahomedans.

*Q.* But your Association has recommended it?—Yes, that is the majority demand.

*Q.* Does this recommendation apply to *Sind* alone, or does it apply to the whole country?—Of course, we are talking for the whole of India.

*Q.* *Sind*, if it is separated, will also have adult suffrage then?—Yes.

*Q.* In that case you will have 74 Mussalmans to 26 non-Mussalmans. That will be the percentage of your voting strength in *Sind*?—Ordinarily the percentage will be according to population, I think, which is roughly 72 per cent. against about 28 per cent. non-Mussalmans.

*Q.* The population is 72 per cent. Mussalmans?—Yes, roughly.

*Q.* Still you demand separate electorates?—We recommend separate electorates, as I replied to the Chairman when we consider the question as connected with the Bombay presidency. But when *Sind* is separated, we say that it will then be quite a separate issue, because we will not then be in a minority, and the question will then arise whether a majority community should have a separate electorate. Along with that there are other difficulties in our way. We do not think that we have got the majority of voters, and therefore, we will not be able to return a good number of our representatives unless adult suffrage is also granted along with it.

*Q.* You want 33 per cent. Mussalman representation in provinces where they are in a minority?—Yes.

*Q.* You want that representation in Madras and the Central Provinces as well?—In Madras the Mussalmans are very much in a minority. But then you have got their political importance, and other things also to be taken into consideration. At the time when we were considering this question we were mainly thinking of the Bombay presidency, and in the Bombay presidency they must have one-third. And I think the Mussalmans all over the country wherever they are in a minority must have excessive representation.

\* NOTE.—The figure of 59,000 was challenged as too small next day by the spokesman of the Hindu deputation, vide p. 238. Q. 11.



12 November, 1928.] DEPUTATION FROM THE SIND MUHAMMADAN ASSOCIATION.

[Continued.]

be avoided.—(Mr. Khuhro): I do not exactly follow you. I want to know what do you call in the present case a concession or a facility.

91. *Chairman*: Let me try again just to sum up the point. It seems to me that the point of Sir Hari Singh Gour's question is really this. If you are guaranteed the same representation and the same political rights, however backward you are, do you think that is a good way to encourage your progress? I can quite understand that people who feel that they are at a disadvantage ask for and may require special protection. But you always have to consider the other argument: Is the protection which you give them likely to encourage them to be strong enough afterwards, to live in a freer world? Exactly the same question arises in economics. One of the difficulties about granting protection by tariffs is that it tends to make people rely upon protection and therefore go on asking for more. In the same way, the question of Sir Hari Singh, if he will allow me to say so, is if the Mahomedans here are guaranteed the same representation, however backward they may be and however much they may fail to resist influences like that of the *bania*, do you think that that is going to create a spirit of political independence which will make them afterwards stand on their own feet?—(Mr. Khuhro): In India there are many divisions, there are many religions, unlike other countries. It will have a peculiar Constitution. We are divided on religious grounds. If the minorities have not got any safeguards, it will be difficult for them to live; the minorities must have safeguards for their existence. We therefore consider that this safeguard of extra representation or separate electorates must be granted to minority communities, not as a concession but a necessity for protection.

92. *Chairman*: I understand you, Khan Bahadur, to say that you do not look forward to the indefinite preservation of separate electorates, but you think that it is necessary at present and for some time to come. Is that right?—(Khan Bahadur Wali Muhammad Hussainally): Yes, Sir.

*Mir Ayub Khan*: I think the answer to Sir Hari Singh Gour's question is that when the Mohamedans who have been under this domination find that the domination has gone, that will be an impetus and encouragement to them to organise themselves better than what they are at present, and having learnt that lesson after experience of some years, I am sure they will come to that standard to which you expect them to come.

93. *Sir Hari Singh Gour*: That is your hope?—Yes. I may also add, Sir, I think it will be fair that in such places or provinces where there are other minorities, in fairness we must extend to them the same privileges and the same protection that we claim.

*Mr. Abdur Rahman*: I agree with my friend Mr. Mir Ayub Khan.

94. *Chairman*: Your proposal is for protection in the special circumstances of India, and you are prepared to say that it should be applied indefinitely, whatever the minority may be?—Yes.

95. *Sir Zulfiqar Ali Khan*: Do you want separate electorates?—(Mr. Khuhro): Yes.

96. Do you think that is necessary for your existence as a community?—Absolutely necessary.

97. Do you think that if this right is not conceded to you, you will become a political nonentity?—We will be nowhere.

98. Do you think that if this right is not conceded to you, your progress will not proceed as rapidly as that of the sister community, and that you will be hampered at every step by the diligence or the superior culture of the Hindus?—I think our progress will be entirely blocked if we have no separate electorate.

99. Your progress will not be as rapid as you expect without establishing your separate rights?—Yes.

100. Could you please tell me whether you want provincial autonomy?—If adequate safeguards are

provided for the minorities by the British Parliament, we will agree to any further advancement, provincial autonomy or anything else, but unless that is done we do not think we can recommend the grant of provincial autonomy.

101. What do you think should be the controlling authority of the Central Government or the Government of India?—I think His Excellency the Viceroy, as representative of the King Emperor, should be the controlling authority.

102. That is true. What I want to know is, do you want the Government of India to be invested with sufficient authority in order to control the provinces?—Yes; in certain cases it will be found necessary that the Government of India should have control; the Central Government ought to be sufficiently strong in cases of emergency.

103. What do you think about Law and Order—should it be reserved or transferred?—I cannot recommend it to be a transferred subject at present; it should be reserved.

104. *Chairman*: You say in answer to Sir Zulfiqar's question whether you think Law and Order should be transferred that you do not think it should be transferred at present, but you think it should be reserved. Is that an expression of your personal opinion or is it the view of your Association?—We have laid that down in our memorandum.

105. You are speaking for the majority of your Association?—Yes.

106. *Sir Zulfiqar Ali Khan*: Can you tell me what is your idea of the recruitment of the services? Should efficiency be the sole criterion of appointment to the services?—No, I do not think so. All communities should have a fair share in the public service of their country, and that should be the main consideration.

107. I want to be very clear on this point. It is a very important subject for all concerned. If you are not given your proper share in the public services, and even with the Indianisation of services the monopoly of services is given to other communities, would you under those conditions demand Indianisation of services?—We will not demand Indianisation of services unless our community, or all minority communities are given their due share in the public services. I certainly attach more importance to the share that will be allotted to all communities, including the minority communities, than to the Indianisation of services which will result in a monopoly of certain advanced communities in the services, which is most objectionable to our Association. I therefore submit that our definite view is that our community must have a proper proportion in public services and so all minorities.

108. *Chairman*: Let me put it this way. Do I understand you rightly to say that you attach more importance to securing that the Mohamedan community gets what you regard as an adequate share of the posts than you do to Indianisation in the abstract, and that you would be opposed to the application of Indianisation if it resulted in the overwhelming predominance of one community? Do I put it quite right?—Yes, quite right.

109. *Sardar Shinder Singh Uberoi*: With regard to the services, you want adequate representation to every community in every province in the country. When you say that, may I know whether you have due regard to the efficiency of the services?—So far as efficiency is concerned, my view is that efficiency is already sacrificed with the question of Indianisation. There is a great demand that there should be Indianisation of services. So efficiency is already out of question.

110. Do you mean that if efficiency is already sacrificed, that mistake should be repeated in future?—I do not think it is a mistake. I think it is fair that a proper share is given to all communities in the administration of the country.

111. Even at the sacrifice of efficiency?—Efficiency will not be sacrificed. If at all you believe so it is already sacrificed.







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are opposed to your proposal. You may be quite certain, as far as we are concerned, that we will examine it without any reference to the different bodies of opinion.

*Khan Bahadur Wali Muhammad Hussanally (witness):* So far as the separation of provinces on linguistic basis is concerned, it has been acceded to and admitted by even the Montagu-Chelmsford Report, and Hindus themselves until a few years ago were in favour of separation of Sind.

171. *Chairman:* If you will allow me to say so, we are merely using phrases. There is nothing easier in this world than to announce in general terms that you are in favour of linguistic provinces or this or that, but if people are really and truly trying to consider constitutional rearrangements they have to get below these phrases and see how things are and how they can be worked out.

*Khan Bahadur Wali Muhammad Hussanally (witness):* I might say, sir, that we are at a considerable disadvantage to arrive at accurate figures so far as the financial position is concerned, however much we may try our best to submit a correct memorandum upon that point, because the Finance Department will not help us. I think the Commission will be in a better position to obtain correct information.

172. *Chairman:* I am not saying that you have got to prove anything to me. I am merely making a most reasonable request that the figures which the spokesman of the deputation has quoted should be put on paper, so that we can study them when we examine this question finally.

The next question refers to the point which the Khan Bahadur has just mentioned. He said that the possibility of Sind being joined to the Punjab was discussed some years ago. I should like to know whether you can answer this question as far as your deputation is concerned. If it were a question of choosing between going to Bombay or joining to the Punjab which would be the choice?—(*Mr. Khuhro*): The question of Sind being joined to the Punjab was raised many years ago, and at that time the majority of Sindhis supported it for the reason that irrigation facilities, land revenue and other things resembled more those of the Punjab than those of Bombay; and that the River Indus, which supplies water to the whole of Sind, is coming from the Punjab. But the unfortunate position is that question was deferred then, and now it is too late to think of it.

173. *Chairman:* Let me summarise your view. Supposing we were dealing with this matter years ago before the five rivers of the Punjab which flow into the Indus had not been so largely depleted by the Punjab irrigation works, the view might have been favourably received, but in the present circumstances those for whom you speak would not view with favour union with the Punjab.—It is too late to consider; I think we can stand on our own legs now.

174. Are you prepared as a province, if you stand on your own legs, to see any reduction in the scale of expenditure in this province on nation-building departments?—The nation-building departments, on the contrary, are starved very much in this province, and that is our chief complaint.

175. Let us consider the question as practical men. You wish that more money should be spent on education in Sind, especially Mahomedan education?—Yes.

176. I suppose you will agree that if Sind is a separate province it must raise its own money for education?—Yes.

177. How do you think you would be able to pay taxes for education if Sind is separated?—The first thing will be to adjust the Budget—whether the expenditure incurred at present is proper or it is extravagant, whether it can be retrenched and so on. Then the question will be in what way the expenditure on nation-building departments could be met and in what manner taxes should be raised.

178. You recognise that if more money is going to be spent more money will have to be raised?—Yes.

*Chairman:* I have mentioned these points merely that you and your deputation may appreciate some

of the material questions to be considered. You will not, if I may say so, be dealing at all sufficiently with it if you merely say that you are in favour of separation or you believe in linguistic provinces, because the difficulties as well as the advantages have to be studied. But I quite agree, if I may say so, with the Khan Bahadur that it would not be fair to put on your Association the business of proving the case. It will be for the whole Conference to consider it with the help of the material which we have been able to collect. Do not think that anybody is opposed to your view, but we must consider it, you see, like statesmen.

179. *Lord Burnham:* Granting that you are in favour of separation of Sind from Bombay and being constituted as an autonomous province, do you not think it possible, especially having regard to the financial conditions even as you see them, apart from the figures we have here, that separation might be postponed to a certain number of years, the number of years to be fixed either by anticipation now or later on by some other process?—The Association think that the time has come when Sind should be separated.

180. *Khan Bahadur S. N. Bhutto:* What are the main grounds that you urge in favour of separation?—There is nothing common between Sind and the Bombay Presidency. Geographically it is quite distinct from Bombay. Our language is quite separate and also our habits and customs. Sind is very far away from the capital of the Bombay Presidency. It has been even admitted by the Government of Bombay that they cannot have rigid and proper control over the Sind administration from that distance. The result was that as long ago as 1868 the Commissioner in Sind was invested with extra powers according to the Delegation Act, and he exercises at present the powers of a local government without being responsible to any Legislature. Even otherwise it is apparent that more or less the Government is treating Sind as a separate province. In all other departments, for instance, Excise, Forests, the Commissioner has got extraordinary powers, and even in the judicial branch the Judicial Commissioner's Court is not subordinate to the High Court. So from all points of view, even at present Sind is administered differently and the Commissioner has got extraordinary powers. When the Montford Reforms were being discussed there was agitation on this point. There are numerous considerations why Sind deserves to be separated from Bombay. With regard to the nation-building departments, we feel that Sind does not get its proper share in the matter of improvement of these departments. For instance, roads and communications are in a rotten condition here, and we are very much behind in these matters. Thus Sind does need special attention from many points of view. There has been agitation on this point from the European Association, from the Chamber of Commerce, from the Parsee community, from the Hindu community, and other bodies. There have been addresses on the subject to His Excellency the Governor and His Excellency the Viceroy.

181. *Chairman:* I think myself that Sind undoubtedly is entitled to say that in actual practice for many purposes it is treated not in the fullest sense as a part of the Bombay Presidency but rather as a special part. It is true, indeed, as I dare say you know, that if you go through Bombay Presidency they sometimes talk of the Presidency proper, by which they mean to exclude Sind?—Yes, in Bombay when they talk of the Presidency they will never mean Sind. The thing is that it is more or less one man's rule. As a matter of fact, most of the things are dealt with by the Commissioner himself. They do not even go to the Government of Bombay. We have been protesting against it and nothing has been done so far.

182. *Khan Bahadur S. N. Bhutto:* You have the Act of 1868. If there is delay in the separation of Sind, would you have that Act repealed immediately?

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[Continued.]

—The Act puts us in a very great disadvantage, and we are in no way in favour of that.

183. Do you know that the loan for the Sukkur Barrage has been raised by the Government of Bombay, and the whole Presidency is responsible if it becomes a failure?—It was definitely stated when the scheme was prepared that most of the loan would be met out of the sale of land and the extra assessment that would be realised when more water is available. Therefore I do not think that any burden falls ultimately on Bombay, though the security at present is on the whole of the Presidency.

184. The question is if the whole of the Bombay Presidency will be responsible if this scheme proves a failure?—If there is gain, it will be gain for the whole Presidency, and if there is loss it will be loss for the whole Presidency.

185. *Chairman*: I think the actual position about the loan for the Sukkur Barrage is this. It was the Government of India that borrowed the money on the securities of the Government of India, and they lent the money to the Bombay Government. Is that correct?—Yes.

*Khan Bahadur S. N. Bhutto*: I made it quite clear that if this scheme proves a failure, then the responsibility is on the whole of Bombay Presidency.

186. You said that some time back the majority of the people of Sind were for its amalgamation with the Punjab. Was it a suggestion by some people or was it by a majority?—I was talking of a thing that occurred 25 years ago. (*Mr. Abdul Rahman*): I may say that that view was not shared by the masses of the Mahomedans.

187. Subsequently that proposal was rejected?—(*Mr. Khuhro*): Yes.

## AFTERNOON.

### Deputation from the Sind Muhammadan Association—continued.

1. *Syed Miran Muhammad Shah*: Are you prepared to tax yourselves for the nation-building departments?—Yes, if Sind is separated.

2. Is that the view of the Muslim community only, or did the Hindus also join with you?—In support of separation, yes, this view is not only the view of Muslims, but of the All-India Congress Committee and the two Mussalman Leagues.

3. *Chairman*: I do not think that is the question; the question is with regard to other bodies inside Sind.—In Sind all the Mussalmans are united in the first place, and there are people from the Hindu community and the Parsi community also in favour of it. That means that Hindus are not all united to oppose this.

4. *Syed Miran Muhammad Shah*: But some Hindus are opposed to it?—Men of liberal mind are in favour of it. Some have been actually writing for separation, men like Swami Govindanand and Jethmal Pursram, who are definitely in favour of separation, and Mr. Jamshed Mehta and others in Parsi community.

5. Have you any proof of that with you?—Yes, I have pamphlets here.

(Pamphlets by Haji Abdul Haroon, Mr. Jamshed Mehta and Swami Govindanand handed in.)

6. You say you wish that the Commissioner should have his special powers abrogated, because the rules operate almost autocratically?—Yes, something must be done, because otherwise we are quite differently administered from the rest of the Presidency.

7. So that the Commissioner should be brought to the level of other commissioners of the Presidency?—Yes.

8. In order to make him more amenable to the Legislature?—Yes.

9. Has this autocratic rule affected the attitude of the subordinates in Sind?—Of course, in the matter of services I may say that during the last two years out of ten appointments of deputy collectors, nine went to non-Muslims and only one to Muslims, in spite of the predominance of Muslim population, and recently there has been a similar instance in the recruitment now being made for sub-inspectors of police. Though Mussalmans are admittedly fitted for the police service, out of fifteen appointments only four or five have been given to Mussalmans.

10. Do you attribute that to the independence of the Commissioner?—It is the general attitude of the Sind administration towards us. That may be one of the causes.

11. Have you considered the question of the amalgamation of Sind with Baluchistan, and making it a separate autonomous province?—That also is an old question, and personally I have no objection to it; but the thing is that Baluchistan itself is not self-supporting, and the Government of India gives a subsidy. If the Government of India continues giving that support, there should be no objection; otherwise it will be a burden on Sind for some time at least. (*Khan Bahadur Wali Muhammad Hussanally*): With regard to joining with Baluchistan, I differ from that view. That is a Hindu view.

12. *Rao Sahab Patil*: You have just told us that most of the Hindus are opposed to the separation of Sind?—(*Mr. Khuhro*): Yes.

13. Can you tell me why they say so?—The main reason will be that the Mohamedans will be in a majority, and it is the communal feeling.

14. What will be the result according to them?—That is their dominant feeling. God knows what they think, but that is all I can attribute it to—because they think that the Mussalmans will be in a majority.

15. Therefore they would be in a position to hurt them?—I do not know that they can harass them.

16. But what is the fear in the minds of the Hindus if Sind is separated from the Bombay Presidency?—I do not know that. I only think that they are opposed to it simply on this ground, that in Sind the Mussalmans are in a majority, whereas in the Bombay Presidency they are in a minority, hence the Hindu majority in Presidency will be converted into a minority in Sind.

17. You have been a member of the Legislative Council for the last five years?—Yes.

18. Even before the Reforms Sind has been a deficit province?—No.

19. It is not a fact?—No.

20. Do you know that ever since the introduction of the Reforms Sind has been unable to pay its way and that there is a deficiency of some 25 lakhs?—I dispute the figure. I do not accept that to be true.

21. Am I right when I say that the chief sources of the income of Sind are land revenue, stamps and excise?—Yes, they are, in all the provinces.

22. I am asking this question so far as Sind is concerned?—Yes, it is the same in all provinces.

23. Do you think you have the least chance of expanding your income in respect of these three subjects?—There is nothing exceptional in that. The resources are exactly the same as all other provinces.

24. But what I want to ask you is this. Supposing you take the state of land revenue, stamps and excise, do you think you have immediate prospects



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of an expansion so far as an increase of these three sources are concerned?—I think there would be many ways of improving the finances of the province.

25. Will you kindly answer my question? Tell me the resources which will help you?—Any extra taxation could be imposed for the improvement of the nation-building departments, as I have said. At random I cannot make any suggestion of new taxation.

26. Will you kindly tell me what would be the advantages Mussalmans will enjoy if Sind is made a separate Province?—I think all communities will equally share in those advantages.

27. You think that the interests of the minority will be quite safe in the hands of the majority?—Of course they will be safe, when there will be safeguards. We have recommended safeguards for the minorities. They will certainly be as safe as those of Muslim minority and other minorities in all other Provinces.

28. What do you suggest in the case of the new Province?—The same conditions will apply as in other Provinces.

29. Will you give me some idea of the safeguards, in case Sind is made a separate Province?—For instance, increased representation, we suggested one-third.

30. Anything else?—Separate electorates? (*Khan Bahadur Wali Muhammad Hussanally*): And what other safeguards are needed if they get a sufficient voice in the new council to be established in Sind? I think that is all they want, and to that we have no objection.

31. Have you read this pamphlet, "Sind as a Separate Province," by M. Jairamdas Doulattram, with a Foreword by Dr. D. G. T. Hingorami?—I have not seen it.

32. It is stated on page 4 that "the deputation, consisting of Hindus and Muslims, which waited upon the Secretary of State and the Viceroy —" ?—In what year?

33. I will read this to you.—I am asking in what year this deputation waited upon His Excellency the Viceroy. I have in my possession a Report of the Committee of Hindu Gentlemen appointed by the Central Conference. Mr. Jairamdas was a member, and they made out a very strong case for the separation of Sind. This was in 1916-17, the very time to which you are referring, and, therefore, I do not think it can be correct.

34. *Chairman*: There is a document by Mr. Jairamdas Doulattram annexed to the Memorandum submitted by the All-Sind Hindu Association, so we shall hear about it to-morrow perhaps. If it is right, it says that in November, 1917, there was a special Provincial Conference to consider the position of Sind in the coming scheme of Reforms. It says that this special Conference passed a resolution, and that the resolution was moved and supported by Hindu and Muslim speakers, and that they did not ask for the separation of Sind, but were for making it a more integral part of Bombay. Then it says that there was a deputation consisting of Hindus and Muslims which waited upon Mr. Montagu and Lord Chelmsford, and they put the question to that deputation whether the Sindhis wanted to be a separate Province, and the reply was a definite "No." Now, it does not in the least affect the view which people may hold now; but can you tell me whether that account, so far as it goes, is right?—No, I can say it is not so. The proceedings of that Committee are in my possession, to which you can refer, and I will read to you two or three lines from that which will convince you what view Hindus held at that time. They say: "The Committee is of opinion that the cause of the backwardness of Sind is the neglect of Sind by the Bombay Government, and the one-man rule that prevails here at present —." Now, this is most clear and emphatic on that point, and I can produce this. (Document handed in.)

35. *Rao Sahab Patil*: It is stated in the Memorandum presented by the Association that the Indian National Congress has also recommended the separation of Sind from the Bombay Presidency, but it is also stated by the Congress that we should accept the solu-

tion of joint electorates with reserved seats for Muslims?—That is a separate recommendation.

36. Then am I to understand that you want to accept what is convenient to you and reject what is unpalatable to you?—No, only I wanted to bring out one point, that the All-India Congress also recognised the fact that there is sufficient force in the demand for the separation of Sind. I did not want to go into the other question, because it has no bearing on this and is quite a separate issue.

37. *Sardar Mujumdar*: Would you like to have educational qualifications for a candidate in the local and central legislatures?—I do not think it is necessary.

38. *Chairman*: Has this something to do with the special question of the separation of Sind?

*Sardar Mujumdar*: Yes, if Sind is separate.—I do not think we should put special conditions for the separation of Sind like that. (*Khan Bahadur Wali Muhammad Hussanally*): That point is rather debatable, and I for one, and I believe my friend Mr. Rahman also, do not agree with the view expressed by my friend, Mr. Khuhro. We two do say that some education qualification is necessary, and I personally should go further and say some English knowledge is necessary for the members to understand the debates. (*Mr. Khuhro*): That is a matter of personal opinion, of course. I am not in favour of it.

39. *Sir Arthur Froom*: With regard to this question of the separation of Sind from the Bombay Presidency, has due consideration been given to what would be the position of the Mahomedans in Bombay proper (as we may call it) should Sind be taken away?—Yes. They would be in a minority; their proportion would be nine or 10 per cent.

40. May I put some figures to you. The total population of Mahomedans in Bombay Presidency is, I believe, somewhere about 3½ millions. The total population of Mahomedans in Sind is somewhere about 2½ millions?—About 2½ lakhs, yes.

41. So that would reduce the number of Mahomedans in Bombay Presidency (and their influence on general affairs in the Presidency) from 3½ millions to 1 million?—But there are still fewer Mahomedans in Madras and the Central Provinces.

42. I am talking about Bombay. You agree that would be the position?—Yes, that will be the position.

43. Let us look at the position in another way. The total population of Sind is about 3½ millions?—Yes.

44. Of which the Mahomedans form about 2½ millions and the Hindus about half a million. If, therefore, you were to separate Sind from the Bombay Presidency proper, it would be of advantage to the Hindu population of Bombay Presidency to the tune of about 2½ millions of population. I just want to put the figures before you. That is so?—Yes.

45. I have one final question relating to these figures I have put before you. How do the Mahomedans in what is frequently described, as our Chairman put it, as the "Presidency proper" (i.e., excluding Sind) view the suggestion for the separation of Sind, which takes away something like 2½ millions of their supporters?—The Mahomedans are very glad. At least all the Mahomedan members of the Legislative Council signed a manifesto in that sense, in reply to the Nehru Report, to the effect that they objected to the Nehru Report because the separation of Sind has been shelved in that Report. The Bombay Mahomedans are in favour of the view that Sind should be separated. Mr. Jinnah is also in favour of it, and most of the Mahomedan members of the Bombay Council have expressed themselves in favour of it. The Bombay Mahomedans have publicly expressed their view.

46. The Bombay Mahomedans in the Presidency proper are in favour of the separation of Sind?—Yes, they are in favour of the separation of Sind; I know it definitely. (*Khan Bahadur Wali Muhammad Hussanally*): Even if they do not want Sind to be separated, are we to suffer on that account?

47. I was only trying to take the larger view of the situation?—(*Mr. Khuhro*): My definite information is that they are in favour of it.

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[Continued.]

48. In other words, the Mahomedan community in Bombay is already in an inferior position as regards numbers, and you do not object to their being placed in a still more inferior position as regards numbers to the tune of 2½ millions?—It is to the advantage of the Province of Sind as a whole, and we look at it from that point of view.

49. *Raja Nawab Ali Khan*: If the separation of Sind is objected to on the ground of financial difficulty, will the great majority of the people of Sind be prepared to shoulder the extra cost of running it as a separate province?—Certainly, yes.

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52. *Sir Hari Singh Gour*: You say because you are a backward community and want more education, further advance, and the development of Sind, therefore you want separation, but have you considered other means of achieving that end without separation?—We do not see any hope of it without separation.

53. *Sardar Shivdev Singh Uberoi*: In reply to a question by *Raja Nawab Ali Khan*, you said the people of Sind would be prepared to bear the cost of a reformed government. May I know whether you mean those who favour separation, or the whole population, including those who do not favour this?

*Raja Nawab Ali Khan*: I said the great majority?—The question was whether the majority of the people are in favour of the separation of Sind and would be prepared to bear the burden, and I said yes.

54. *Sardar Shivdev Singh Uberoi*: Do you suggest that a certain community should be taxed, while the other community should not be taxed?—I did not mean that also. But, however, that is a matter of detail.

55. I want to be clear on this. In the Memorandum submitted by the All-Sind Hindu Association, on page 233 it is stated that in 1918 the Sind Mahomedan Association submitted a memorial to Baron Chelmsford and the Right Honourable Edwin Montagu. Do you know anything of that Memorandum which was submitted in 1918?—Regarding?

56. Regarding the Reforms which were then under contemplation?—(*Khan Bahadur Wali Muhammad Hussanally*): That is a long time ago. We have no information about it. Even supposing that was done, it was a long time ago, and things have changed since then.

*Sardar Shivdev Singh Uberoi*: To refresh your memory, I may read one or two sentences from it.

*Chairman*: What is the year of it?

*Sardar Shivdev Singh Uberoi*: 1918.

*Chairman*: Then it is before the Montford scheme had come into effect?

*Sardar Shivdev Singh Uberoi*: Certainly, when the inquiry was being made about the future constitution.

*Chairman*: I think there is force in what the *Khan Bahadur* said, that the views people might be disposed to express in Sind in 1918, when they had not their present experience, ought not to be treated as governing their view now. That seems fair, does it not? Subject to the observation that it was some time ago, and was before actual experience of the working of the Reforms was available, there is no objection to the *Sardar Sahib* reading the sentence if he wishes.

57. *Sardar Shivdev Singh Uberoi*: It is stated in that memorial: "Your memorialists do not wish to refer to other parts of India, but will confine their observations to Sind. This Province is not yet ripe or ready for democratic Government. Its history, tradition, the heredity and disposition of its peoples, its want of homogeneity or community of interests, social, religious, or any other kind, all point to the other way. Less than a century ago, it was from time immemorial under the rule of a monarchical government. The short time that has since elapsed is not sufficient even under the beneficent influence of the benign British Government and the blessings of Western education to evolve the spirit, sentiment and disposition essential to the success of democratic institutions."

*Chairman*: What I want to ask is whether, during the last ten years, such extraordinary progress has been made in the educational and social position of the population that they have come forward with a demand for a reformed government for Sind?—(*Mr. Abdur Rahman*): Yes, very considerable progress has been made in education, in political views and so on.

58. And still the percentage of educated people is about 3 per cent.?—No. We should compare the position ten years ago with the position to-day. That is the point.

*Chairman*: The duty of the Conference is not only to hear what are the wishes of the different sections of the community here, but also to assemble the practical considerations which must, of course, be given due weight—financial considerations, administrative considerations, and so forth. We shall, therefore, be very glad if you are able to supplement what you have said to us to-day and what you have said in your Memorandum by any further memoranda you may wish to put in, and which you may be quite sure we shall study carefully. The question is a difficult one, admittedly, when you come to what we may call practical politics, and, as practical men, we all of us have to look at the thing, not only from the abstract and sentimental point of view, but also from the point of view of practical politics. On the other hand, I should like to assure you we shall consider the matter most carefully, and we shall not in any way be prevented from considering it favourably because, as you have pointed out, there are bodies of opinion opposed to it. We shall consider it as well as ever we can upon its merits, and for that purpose we shall be very glad of your additional material. Thank you very much.

## Memorandum submitted by the Karachi Chamber of Commerce.

We, the Chairman and members of the Karachi Chamber of Commerce, have the honour to address you with regard to the Reforms in India generally and in the Presidency of Bombay particularly. In doing so we desire to express our sincere regret that we are late in the submission of our evidence, which is due to unavoidable circumstances.

The Karachi Chamber of Commerce is the premier Chamber in Karachi and its members, numbering eighty-two, include all the most important European mercantile, industrial, shipping, banking and financial firms in Karachi and a number of prominent Indian firms in addition.

We are in general agreement with the Memorandum submitted by the Associated Chambers of Commerce of India and Ceylon, to which we subscribe. To this Memorandum, however, we desire to add our views on the importance which we attach to the question of the method of introducing the gradual development of self-governing institutions in India, which is not alluded to in the above mentioned Memorandum.

### *The Method of Introducing the Gradual Development of Self-Governing Institutions in India.*

We realise in the Government of India Act, 1919, the preamble envisaged that the time and manner of each advance can only be determined by Parliament. We have, however, been impressed by successive events since the introduction of the Reforms and somewhat concerned by the attitude adopted towards the Royal Statutory Commission, and inferentially towards the Secretary of State for India and the Imperial Parliament by a large and influential body of politically minded Indians. These foregoing circumstances, the views we take of future political developments in British India, and the acknowledged intention of the Imperial Parliament to develop self-governing institutions in this country have lead us to the general opinion that after a period of autonomous provincial government the future progress towards, or retrogression from, further autonomy both as to time and manner should be substantially left to the will of the people and not be determined only by the Imperial Parliament.

The Associated Chambers have recommended the grant to provinces up to full responsible autonomy under certain conditions. With this recommendation we are in full agreement. Such a proposal comprehends ordered and logical progress and is an endorsement of the pledge of the 20th August, 1917, to which we attach a sacred character. It is, however, fundamentally static in character, whereas we wish to make it a stage in a fluent constitution in which the future impelling influence will essentially be the Indian people themselves.

Holding these views we attach the greatest importance to the provincial autonomy stage being an educative period whereby the implications, the difficulties and dangers of democratic Government and Ministerial rule will be brought home directly to the mass of the people. The recommendations which we give expression to hereafter in regard to local provincial government and smaller self-governing units are substantially dictated to us by this consideration.

We do not feel disposed to lay down any definite period during which we would recommend that the static constitution should be operative, but we think from our experience of the present Reforms that a period of some seven years would affect a large measure of education. Further, we do not think that the terminating point of seven years would be so distant as to negative the recognition or depreciate the value of so liberal a doctrine amongst those Indians who have the welfare of the country at heart and aspire to a greater measure of internal political control.

We believe that the scheme we advocate will lead to the greater contentment of the Indian people and so to more satisfactory Government.

We also believe that it will lead amongst the greater mass of the Indian intelligentsia to a fuller appreciation of the efforts made by the British Parliament and the British administrators impartially to mete out justice, to foster the prosperity of India, to further the welfare of the masses and to alleviate distress.

Further, we believe that it will lead to Indian political questions being discussed, considered and decided on their intrinsic merits and not, as is so frequently the case to-day, on their purely extrinsic bearing to British Imperial policy.

Lastly, we believe that it will vitalise into activity a mass of intelligent conservative and moderate Indian opinion, which to-day depends upon the vicarious offices of the Imperial Parliament and is not prepared to be vocal for fear of criticism and obloquy from the extremist element. With the advent of this party into active politics and the spread of education consequent upon a period of genuine provincial autonomy we see no reason to anticipate extreme reactionary measures when the term of the static constitution is completed.

We are, however, not oblivious of the dangers created by the unfortunate communal tension which now exists and will we fear continue to exist, or of the possibility of certain irreconcilable and Bolshevistic politicians endeavouring to subvert common sense or remove the practical necessities in any constitution for the continuance of law and order, and the general welfare and economic progress of the people.

Certain fundamental and unchangeable provisions would, therefore, in our opinion, be necessary as much as in the static period of the constitution as in the dynamic and, *inter alia*, we append in brief outline the following:—

(1) That India shall remain part of the British Empire and accept the obligations and liabilities of any other self-governing dominion forming part of the British Empire and shall not exceed the prerogatives of such a dominion.

(2) (a) That the Army in India shall continue to be commanded by a Britisher and that those responsible for the superintendence, efficiency and control of the Army in India shall remain British.

(b) That a fixed percentage of British officers shall be retained in the Indian Army.

(c) That a fixed percentage of British troops to Indian troops be maintained in India at the cost of India.

(d) That the cost of the Army in India shall be the first charge on the Central revenues.

(e) That any modification of the foregoing shall rest solely with the Imperial Parliament, and that the above provisions shall be constant for a period of not less than 25 years.

(3) That no discriminatory or differential legislation or taxation shall be enacted against any person or body of persons living in or having business with India unless that person or body of persons be a national of a foreign country, colony, state or dominion who discriminated or differentiated unfavourably against Indians.

(4) That a Supreme Court, the officers of which shall be nominated by the King Emperor, shall be an integral and continuing feature in the Constitution both to interpret the constitution and to adjudicate on matters arising as between the Central Government and other local government and public bodies.

(5) That the service of internal and external loans remains the first charge on all the revenues of the issuing authority (i.e.), the Army alone taking precedence in the case of the Central revenues. That no

loans issued prior to the time when the state constitutional period ends may be repudiated before or after that time.

(6) That there shall be free trade between the Provinces of British India.

(7) That the Governor-General or the respective Governors in their own Provinces shall be the authorities to proclaim Martial Law, either individually or collectively.

(8) That the Governor-General and the Governors retain their powers of veto.

(9) That Provincial Second Chambers shall be an integral feature of all democratic Provincial constitutions; that the Second Chamber shall have taxing and controlling powers and shall be composed of men in responsible positions and preferably with material vested interests in the country.

(10) (a) That only British subjects shall be entitled to serve in the Indian Administration and in the Army.

(b) That any officer displaced by reason of a change in policy shall be entitled to the proportionate pension he has earned and reasonable compensation.

(c) That the option of retirement on a proportionate pension shall be a continuing option for any British servant who joined the services prior to the termination of the static period of the constitution. We use the term British here to denote a servant of non-Asiatic descent.

On such a technical subject as the amendment or revision of the constitution after the end of the static period we feel at some loss to express any definite opinion. We can only recommend in general terms that it should be by agreement amongst the people concerned either directly and/or through the Legislatures.

We realise that in the consideration of the Indian constitutional question the Indian Princes and the Indian States are a no less interested party than the British Indian Provinces themselves.

Under a self-determined form of constitution, we appreciate that the eventual or the progressive stages of the constitution might take a variety of forms. If the *status quo* were maintained or a retrogression to autocracy in the Central Government were made, the position of the Indian Princes and the Indian States would not be substantially altered, if at all. But in the more probable alternative of an advance to a Federal form of Dominion Government, the existing equilibrium as between the Indian States and British India would be thrown out of balance and require readjustment. To restore this equilibrium it would be only equitable to permit the Indian States to share in the Central Government in a proportionate relation to the British Indian Provinces. It would, we think, be necessary, therefore, to permit the Indian States to be represented in the Central Legislatures at any time after the end of the static period, if they chose to seek entry, but we think that only such Indian States should qualify for such admittance as themselves fulfilled certain constitutional criteria. Once an Indian State had sought and obtained entrance to the Federation which we have pre-supposed, that State should have a relatively equal voice to other units of the Federation in the formation of the constitution.

We think that any alterations or additions to the Provincial constitutions should be subject to the ratification of the respective Governor and the Governor-General, and similarly any alteration to the constitution affecting other than the Provinces or smaller units should be subject to the ratification of the Governor-General and the Imperial Parliament.

#### *Provincial Government of Bombay and Smaller Governing Units in the Presidency of Bombay.*

So far as the Provincial Government of Bombay and smaller self-governing units in the Presidency are concerned we beg to make the following recommendations. We should again like to emphasise the importance we attach to political education and the necessity for vitalising political consciousness and responsibility. For this reason we advocate adult suffrage for village

Panchayats where their introduction is practical, and common electorates (non-communal) for district local boards and municipalities. Lastly, we favour the handing over of law and order by placing the police under Ministerial control. We realise the grave possibilities and dangers of this step and only favour it because we feel that real responsibility can thus alone be brought home in a direct and convincing fashion to the people.

We recommend—

(1) That the village Panchayat system be developed in the Province where possible. Election to be by adult suffrage, with limited but definite powers of taxation for village requirements.

(2) That the franchise qualification be not lowered, that the electorate be a mixed one (non-communal) for the municipalities and district local boards of Sind.

(3) That full responsible autonomy be granted, including the Ministerial responsibility for law and order provisions.

(4) That the Governor-General in Council be given powers of intervention in the event of a breakdown or partial breakdown of Government in the Province and the Governor shall have similar powers in the case of lower units of Government.

(5) That a Provincial Second Chamber be set up.

(6) That adequate safeguards be provided for the protection of the police administration.

(7) That the Governor retain his constitutional prerogative of "veto."

(8) That the Meritorious Award be re-examined.

(9) That a Public Service Commission be appointed.

(10) That all bills passed by the provincial legislatures shall require the assent of the Governor-General in Council.

(11) That the recommendations of the Lee Commission as to the Services be adhered to.

In regard to the foregoing we desire to make the following observations:—

Our proposals in regard to the composition and electorate of the Second Chamber are very tentative and general. We are of opinion that quite a small Chamber is desirable, not exceeding some thirty-three members. We think that about two-thirds should be elected and one-third nominated by the Governor, that election should be by and from those whose names appear on the electoral rolls of the Council of State of the Bombay Presidency. We would, however, in the rules for the qualification of an elector, lower the income qualification for other than Hindu joint families from Rs. 20,000 to Rs. 20,000 and omit membership (non-official) of Indian legislatures as a qualifying factor. In the event of insufficient candidates for election we would recommend filling the vacancies by the nomination of the Governor. In principle we do not recommend the nomination of officials.

As regards the constituencies, we do not feel in a position to make any detailed recommendations, but generally we would favour the inclusion of the "commerce and industry" constituencies of the existing Bombay Provincial Council. In doing so we have in mind that these represent a rational, educated and highly interested element in the country, and we attach the greatest importance to the necessity of the Second Chamber being a reliable check on the lower House.

We feel that special protection should be accorded to the police, so that they should not be treated wrongfully or unfairly as the scapegoats for Ministerial ineptitudes.

Whilst favouring the retention of the Governor's "veto" we think that the power of "certification" should be abolished.

We recommend that the patronage of all superior posts should be the privilege of the Governor, whilst that of other posts should be vested in the Public Service Commission.

## MEMORANDUM BY THE KARACHI CHAMBER OF COMMERCE

[Continued.]

Turning now to the Provincial Council, we do not favour any lowering of the franchise qualification. We recommend direct election and that communal representation be retained. With due consideration to interests for which it would appear to be impossible to create constituencies, we would like to see nomination eliminated.

With regard to the composition of the Provincial Council, we are not in a position to make more than general remarks.

The present composition of the Bombay Legislative Council is as follows:—

Members of the Executive Council	
( <i>ex-officio</i> )	4
Elected members	86
Nominated by the Governor	24
	<hr/> 114

Of the twenty-four nominated members not more than sixteen may be officials and eight are nominated to represent interests as under:—

The Anglo-Indian community	1
The Indian Christian community	1
The labouring classes	3
The depressed classes	2
The cotton trade	1
	<hr/> 8

The nature of the constituencies represented by the eighty-six elected members is as follows:—

Urban constituencies	16
Rural	60
University	1
Commerce and industry	7
European constituencies	2
	<hr/> 86

As regards the twenty-eight nominated seats, including the four *ex-officio* seats of the members of the Executive Council, we should like to see the number of nominated seats reduced to seven to represent the following interests for which the creation of constituencies would appear to be difficult and would, it seems, therefore only obtain representation by means of nomination:—

The Anglo-Indian community	1
The Indian Christian community	1
The labouring classes	3
The depressed classes	2
	<hr/> 7

We omit the cotton trade as we are of opinion that a constituency could be formed to enable this interest to be represented by election.

The position would then be as follows:—

Elected members	86
Nominated by Governor	7
Cotton trade (by election or nomination)	1
	<hr/> 94

or a decrease of twenty members. We do not make any specific recommendation about filling these seats, but it thought desirable we would prefer that new constituencies be created and/or that additional seats be granted to existing constituencies.

We do not favour the nomination or election of officials. We desire to make the executive subordinate to the Legislatures so as to inculcate responsibility into the latter and thereby obtain the maximum educative effect possible during the static period of the constitution to which we have previously referred.

We think the Presidents of the Legislatures should be elected from amongst the members of the respective Houses.

We recommend Cabinet Government without joint responsibility. In principle we favour joint responsibility, but are doubtful if it could be worked at the present juncture. Further, we recommend that the Governor shall be head of the Cabinet that the Governor shall request the leader whose party he believes has the majority in the popular house to form a Cabinet. In the event of the leader's refusal or inability the Governor shall form a Cabinet as he thinks fit.

We recommend that all Bills, including money Bills, require the majority assent of each House before they are passed.

In the event of a disagreement between the two Houses we recommend that it be left to the discretion of the Governor (a) to dissolve the Lower House or both Houses or (b) to refer the question by a referendum to the electorate of the Second Chamber, or (c) to call a joint session of both Houses.

We think it advisable that the division between Central and Provincial subjects should be reconsidered to minimise future friction.

We are in favour of the gradual abolition of terminal taxes, as we consider they are an inequitable and undesirable form of taxation. We are of the opinion, however, that the abolition should be gradual, as any drastic action might lead to dislocation in municipal finances, which, in many cases, are largely dependent on this form of revenue.

## General Recommendations.

We recommend that the Governor should be chosen as now, from prominent men in the United Kingdom, and, further, that his salary and emoluments should be a second charge on Provincial revenues.

In principle, we think it is most desirable that judicial and executive functions be separated. We are not able definitely to recommend this division, as we have no information as to the additional cost involved by the innovation.

We do not recommend the separation of Sind from the Bombay Presidency as the wealth of Sind is insufficient to bear the cost of a Provincial Government and the need for development is considerable, which can best be attained by combination with a major Province.

The Chamber, through its representatives, offers to give oral evidence in Karachi.

12 November, 1928 (continued).

## Deputation from the KARACHI CHAMBER OF COMMERCE.

The deputation consisted of :—

J. R. N. Graham, V.C., of Grahams Trading Co., Ltd., Merchants and Shipping Agents (Chairman of the Chamber of Commerce).

C. S. Wentworth Stanley, of Forbes,

Forbes, Campbell and Co., Ltd., Merchants and Shipping Agents.

W. B. Hossack, M.L.C., for the Karachi Chamber of Commerce Constituency, Manager of the Karachi Tramways.

168. *Chairman* : \* \* \* Mr. Hossack, have you been the member for the Karachi Chamber in more than one term, or is this the first time?—(Mr. Hossack) : I have been in a previous council.

169. I think I am right with regard to these gentlemen who represent Chambers of Commerce that a meeting, the representative shifts from time to time; it may happen that a gentleman is going home, and it is usually done, I imagine, by arrangement?—We have to resign, and a fresh election takes place.

170. A contested election? In the case of the Karachi Chamber of Commerce, no, not in my time. (Mr. Graham) : May I explain, before we begin, that Mr. Stanley will answer any questions on the general memorandum we have submitted, and I will answer anything on the question of the separation of Sind, Terminal Tax, the Moslem Settlement, etc.

171. That is a very convenient arrangement. As regards the general question, I think we shall be glad to have a short statement. We have made arrangements to consider the broad general question probably at Calcutta, and it has been found, I think, that that is a convenient plan, and both you gentlemen, and both your associations, of course, are associated with the central bodies. I gather, too, Mr. Graham, upon looking at the memorandum from the Karachi Chamber of Commerce, page 218, that you are in general agreement with the memorandum submitted by the Associated Chamber of Commerce?—Yes.

172. I think we should like to hear your view about the proposed separation of Sind. Perhaps we might take that first?—The Chamber of Commerce have no very definite opinion on that subject, but generally they feel that we are best as we are. At the same time, we realise that the situation may change, and we would like the door left open for Sind to separate and stand on its own, or recede from Bombay and join the Punjab.

173. Of course, you, Mr. Graham, as a business man, will appreciate that these questions which from time to time arise, of separating off a portion of an administrative area may raise some difficult financial questions?—Yes.

174. On that, one is naturally bound to ask for some detailed figures and some expert help. I do not suppose at the moment you are offering detailed figures about that?—I am not in a position to do so. I do not know the figures.

175. I wish you would tell me this, which certainly may have a bearing one way or the other. Are you interested in the trade at Karachi as distinguished from Bombay, or are you interested in both?—I am interested in both, personally, as a firm.

176. Then you are more impartial?—I am very impartial.

177. I can see Sir Arthur Froom looking at you. I have heard the suggestion made, and I have seen it in these papers, that Karachi has become a very important port, not so much, I think, because of the trade in its immediate neighbourhood but because of the trade that comes to it from a distance, as the natural outlet, let us say, of the wheat-fields of the Punjab, and so on, and I have heard it suggested that Karachi does not necessarily prosper as it might do if it was in a separate area from the port of Bombay. Now, frankly, do you think there is anything in that?—No, sir; my information is that

Karachi has not suffered as a port from being under Bombay.

178. If you have interests in both ports, you are not tempted, I should think, to favour one?—Actually to day I am giving the view of the Chamber of Commerce Committee, which consists of ten very representative men representing both the importer and the exporter. I raised this question in committee the other day, and after about twenty minutes' discussion the general feeling was that it was a leap in the dark, and they did not quite know where they were; they would rather remain as they are, because, apart from anything else, there is the financial question about Sind not being able to stand on its own feet at present.

179. I am making no statement about it, but I was interested to know what business men like yourselves thought about it. It must obviously be remembered that if there was a separate area constituted, a separate province of Sind, then, of course, that province will have to face its own financial problem without looking for aid from a neighbouring province?—Yes.

180. That manifestly raises very big technical difficulties?—Exactly.

181. So whatever may be said on other grounds—and I am not at all shutting them out hereafter—the grounds of sentiment, the ground of the special circumstances of the area, grounds based on its physical separation from the presidency proper, I gather you to say on behalf of the Chamber that the Chamber to day does not think from the point of view of the trade of Karachi they would press for such a change?—No.

182. Mr. Miller : The trade of Karachi is chiefly with the Punjab; actually in Karachi and Sind the trade is very small?—Yes. There is a good deal for Afghanistan as well.

*Chairman* : The question put is whether the trade of Karachi is not very largely, so far as it is an export trade, dependent on the Punjab.

Mr. Miller : And also in regard to the import trade.

183. *Chairman* : Yes—whether the imports passing through the port of Karachi are not very largely for the Punjab. I understand Mr. Graham to say that it is so to a large extent?—Yes, and for Afghanistan.

184. And beyond?—Yes.

185. Mr. Miller : And quite a number of offices here have sub-offices in the Punjab?—That is correct also.

186. So that largely, so far as trade is concerned, Karachi is mainly interested in the Punjab?—Yes.

187. Dr. Ambedkar : It was said by one witness this morning that the Chamber of Commerce had at one time held the view that Sind should be separated from Bombay?—Was that so? I am not aware of it. It is the first I have heard of it.

188. Sir Hari Singh Gour : You are a business man, and you look at the question from the business point of view. Do I understand that if Sind is separated from the Bombay presidency it will enormously increase the overhead charges of the administration of Sind?—That is how it would appear to me.

189. That is to say that the overhead charges would so increase that the result would be incommensurate with the increase in expenditure?—As I

12 November, 1928] DEPUTATION FROM THE KARACHI CHAMBER OF COMMERCE.

[Continued.]

understand it, broadly speaking Sind does not pay her way now, and if you add a further burden to her, you are only putting her deeper into debt.

190. It is as if a company was not a paying concern, and you were to increase the pay of the managing director?—That is so.

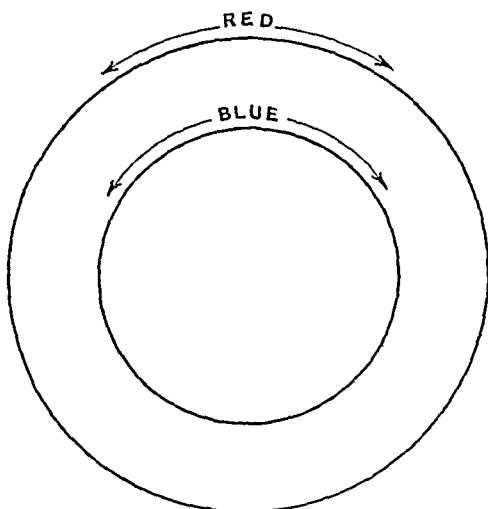
191. *Syed Miran Muhammad Shah*: Have you really studied the economic conditions of Sind in so far as industry goes and revenue goes?—I frankly admit I have not.

192. *Chairman*: I understand the evidence is strictly confined to the view of the Chamber of Commerce, which, I gather, has had a discussion on the subject?—The Chamber of Commerce naturally at the moment is practically all merchant and banker representatives, as there are practically no industries, I think I am right in saying.

\* \* \* \* \*

195. *Chairman*: Now let us take the other point. Mr. Stanley, may I try and shorten matters? If I may be allowed to say so, there is a suggestion in your memorandum which I regard as of great importance, and it is only right that I should say it is also to be found in a valuable document which has been sent to us by Mr. E. L. Price. The suggestion, as I follow it, is this, that in recommending changes in the Constitution of India the Conference should not assume that the new structure should be absolutely rigid and fixed and incapable of internal adjustment, but that it might be well worth considering whether the new system might not be such as would contain within itself, as it were, without further reference to the Imperial Parliament, some opportunity of rearrangement and progress within a general boundary. I understand that to be the suggestion. It is what you call a dynamic, as opposed to a merely static, scheme. Am I correct, or not?—Correct, sir, except that we certainly contemplate that certain proposed changes of constitution should be referred to the Imperial Parliament for ratification.

196. I should like you to put it in your own way, but I wanted to focus attention on what I regard as an extremely interesting suggestion?—Might I be allowed to explain it with the help of this diagram?



197. Yes?—All within this blue circle represents provincial autonomy. In our memorandum we have recommended going forward to full provincial autonomy, including the transfer of Law and Order. On further consideration, we thought it would be better initially to exclude Law and Order, and later on permit the major provincial legislatures to take control of Law and Order should they desire to do so. When all the major provinces have reached this blue circle (which is full provincial autonomy), we then think a period of time should elapse before any further change takes place. We name seven years in our memorandum, but we think, on the whole,

this period is on the short side. That static period is for education, to enable the provincial electorate to understand the dangers and the difficulties and the implications of autonomy. After that period of full provincial autonomy, we think the provinces by agreement should be enabled as a unit to apply to the Imperial Parliament for power to take over the control of certain central subjects, included between the blue inner circle and the red outer circle. All subjects which the Crown must control to enable it to carry out its obligations to the Indian States lie outside this red circle, and remain under the exclusive control of the Viceroy in Council. I may instance the Army, Foreign Relations, Railways, Ports, Telegraphs and so on. We by no means imply that only such subjects as it is obligatory on the Viceroy to control should lie outside the red circle. Once the full period of static provincial autonomy has elapsed, we visualise all within the red circle being subject to appeal to the Imperial Parliament for constitutional modification, in which I include recession. We want the provincial electorate to be educated, and during these experiments in the provinces we want no advance whatever in the Central Government. That implies that dangers will be localised, and there will be a strong Central Government untrammelled by internal changes and able to deal with any provincial breakdowns should they occur. Our proposals are subject to certain fundamental safeguards laid down in our memorandum, which I need not repeat.

198. You might refer me to the pages?—Yes. In the Chamber of Commerce memorandum there are some on page 218. We lay great stress on the words "Inter alia" on page 218. Then page 218 continues to deal with the central position and page 219 with the provincial position.

199. Page 219, beginning with the word "provided"?—Yes, paragraphs (a) to (h).

200. I see that (b) on page 219 is "That a Provincial Second Chamber be set up." I think we have already had that?—Yes, but we are dealing with the static period at the end and the dynamic period at the beginning of page 219.

201. In the same way, page 219 speaks of the Governor retaining his constitutional prerogative of veto, which we have already had (I understand you to say for a later period) earlier on that page?—That is correct.

202. On page 219 (f) you refer to a Public Service Commission. Would that be a provincial Public Service Commission?—Yes. The heading . . . under which these come, is "Provincial Government of Bombay and Smaller Governing Units in the Presidency of Bombay."

203. I see, yes. Please finish what you were saying; it is very interesting?—I should like to emphasise the need we feel for a clause invalidating discriminatory or differential legislation or taxation.

204. That is a reference to page 218, sub-clause (3), is it not?—Yes. We wish also to emphasise the need for a Supreme Court of Judicature and for a Public Service Commission for the province of high-standing personnel to safeguard and satisfy the services.

205. When you suggest there should be no discriminatory or differential legislation or taxation and so on, I suppose you mean that in the Constitution there should be a clause which says that?—Yes.

206. And when you suggest there should be some court to apply that, you mean that if people think that condition is not satisfied they should be enabled to appeal to the court?—Yes.

207. There may be great difficulties in all that, but, at any rate, it is perfectly intelligible. What is your proposal with regard to the Public Service Commission?—We specially emphasise the necessity for a provincial Public Service Commission of high-standing personnel to safeguard and satisfy the services. We are not satisfied with the veto alone; we want some additional safeguard, and the Supreme Court is what we suggest for your consideration.

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[Continued.]

Then we recommend mixed electorates for local municipalities and district local boards, and communal electorates for bigger units of government, so that experience of both systems will become available. From what I have said you will see we hope you will find a way to eliminate a series of Statutory Commissions, which we think breed uneasiness and, consequently, result in a lack of application to internal problems.

208. I should like to be quite sure I understand the meaning of this interesting pictorial illustration. Let me see if I can hit the bull's eye, in the very middle of the smaller circle. Is the boundary of that smaller circle supposed to represent what should be the degree of responsible self-government now, at the present stage?—No, it is only when all the major provinces have taken over full responsible government, including Law and Order; it is not until then that the blue line is reached.

209. The last stage, as you see it, will not carry everybody to the blue line?—No; it will be less Law and Order.

210. Your idea is that to start with it is not, from now onwards Law and Order should continue to be a reserved subject?—Yes. It should continue under the present system of clarity, but we think the Governor should have more than one member of Council; we think he should have two.

211. That is workable, I think. I want, first of all, to get a broad view. Your broad principle is that you do not consider the time has come at once to transfer Law and Order?—That is right.

212. Do you think the time has come to transfer everything else which is within the provincial sphere?—That is a difficult question to answer.

213. That is why I ask it?—You see, the scheme we have put up to you does not state definitely the "man in the field," and we feel that if provincial subjects such as irrigation do come under ministerial control you will get rapid education in the provinces which we think will result in responsibility and enable this further stage to be undertaken with that sense of responsibility which we feel is so essential.

214. If I may say so, in so far as your object is to urge a scheme which is calculated to encourage the rapid growth of a sense of responsibility, I should think everybody who is a real friend of India and who wishes to see India advance towards the goal will agree with you. But, after all, we have to consider what are the practical steps to be taken now, and I gather your view is there ought not to be a transfer of every reserved subject now, but that there ought to be further transfer if possible, saving, however, for the present Law and Order. Is that it?—Yes.

215. Your view is there ought not to be a complete transfer of all the reserved provincial subjects now, because you want to except Law and Order?—Correct.

216. Whether you could or not transfer all the other subjects is a point you are not quite definite about, but you would like to see, if possible, some further transfer now?—Yes.

217. And you put that on the ground that the more that is done, the more likely will ordinary people here (what you call the "man in the field") be to learn something of political responsibility?—That is so.

218. We have not got to your blue circle circumference yet. Explain to me (I have not quite got it) what is it that is going to bring us to the blue circumference?—Assuming that every single item of provincial subjects was handed over to ministers, except Law and Order, and that it was left to the individual provincial councils to take over Law and Order of their own volition, when all the major provinces had, of their own volition, taken over Law and Order, that blue line is reached.

219. Then you have filled up the blue circle?—Yes.

220. Is your suggestion that the new Constitution should provide that it is within the power of each of the provincial councils by resolution to take over Law and Order?—Yes, but not immediately.

221. After an interval of, say, seven or ten years?—No, because this is a modification of our original memorandum.

222. Do not bother about your original memorandum. I want to know what the plan is now?—We think until the provincial councils have settled down it is very undesirable they should immediately consider this very controversial subject of Law and Order, and therefore we should like an intervening period before Law and Order is taken over, so that they may settle down.

223. Have you any idea on the subject of how long the intervening period should be?—I can quite understand you saying you have not fixed it, but I should like to know your idea?—I do not know. I can do more than say it should be sufficient to give the councils with their extended powers time to settle down, adequate opportunity to settle down.

224. That is a perfectly fair answer. It is difficult to fix these things, and not very useful, as a matter of fact, to try to fix them dogmatically. Very well. You contemplate that, after the limited time which you describe as a period for settling down, it should then be competent for the provincial councils, by their own volition, to decide to take over the remaining subject, Law and Order?—Yes.

225. So there would be a provision in the Constitution that after so many years the provincial councils shall have that power?—Yes.

226. Have you worked out whether they are to have the power of deciding it without any opportunity for anybody to veto or override them? Are they to have a free option to do it when the time comes?—No, we consider the power of veto should rest with the Governor permanently.

227. They might pass the resolution, and yet the Governor might veto it?—That is possible.

228. However, there would not be any reference to this to the Imperial Parliament. The Imperial Parliament would have nothing to do with it except for making the provision beforehand?—Exactly.

229. That is what you mean by saying you want to see a Constitution devised which, after the visit of this present Statutory Commission, will not call for the intervention of the Imperial Parliament at every stage afterwards?—Yes. That, of course, is one stage only.

230. That will bring you to the blue line. One more thing I think I understood you to say—that you could only reach the blue line if all the provinces had passed through this?—All the major provinces had reached the blue line.

231. What do you mean by the major provinces—the nine?—Yes. I am excluding, for instance, the North-West Frontier Province.

232. For the moment you are speaking of the nine Governors' provinces?—Yes.

233. I have not quite followed why you say that. Is it not possible on your scheme that one province or more, for very good and sufficient reasons, might want to take over this remaining topic, although, perhaps, some other province had better wait?—It is very possible.

234. Then what is the reason for the provision in your scheme that all the provinces must ask for it together before anything more can happen anywhere?—Because we do not think that any province, unless it has taken responsibility for Law and Order, can possibly have that sense of responsibility to approach the questions of the central subjects.

235. But I have not got to the central subjects yet. I am up to the blue line. Tell me, is it, or is it not, part of your plan that there can be no transfer of Law and Order anywhere until all the provinces have asked for it each for themselves?—Oh, no; any province can ask for it when they want it.



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(Continued.)

230. And if the Government does not veto after a twenty years it will get it?—Yes.

231. That brings us to the blue line, does it?—Yes.

232. Now, what is the object of which there is a prospect of passing beyond the inner circle into the middle, is to the next? We contemplate a static period when the last province has reached that blue line, so that the last province to reach it shall have an opportunity of internal reorganisation.

233. Then that comes to this, does it, that though different provinces may reach the blue line at different intervals, they must all reach it before any province can go beyond it?—Yes, and there must also be a period after that point.

234. Here I gather that the relation from the outside to the blue line, the blue to the outer boundary, the red, is one thing, and the nature of provinces taking over a reserved provincial subjects but taking over certain central subjects? That is correct, with the consent of the Imperial Parliament.

235. What sort of central subjects have you put in the red?—Well, I should be prepared to make any definite statement to that.

236. It will not happen for a long time? I might put in the types of subjects which might be possible?—

237. I am interested to know what there is between the red and blue or the outer red, because at present it is rather a vague line to me. Do you see what I mean? If I know what you mean. We would rather not give a definite answer to that.

238. They are contemplated when the time comes to pass from the blue boundary out to the red boundary, that it would be necessary for the Central Government to consent to what the provinces want?—No, sir, the Imperial Parliament.

239. So it would be then, that the provinces would pass a resolution, or whatever it was, make a representation, arguing that they should have additional powers given to them which are now being enjoyed by the Central Government, and that the Imperial Parliament would have the opportunity of saying, "Very well, we agree, as you wish it; we will help you to get it."—May I just explain on that point? These are central subjects only, and our idea was that the various provinces as a unit should ask the Imperial Parliament that they should take over control of part of the Central Government—namely, certain definite central subjects, and it would not be a question of transfer from the Central Government to the provincial Government at all, but directly in the Central Government.

240. Lord Strathclyde: Do you contemplate now the immediate handing over of land revenue?—We do contemplate it, yes.

241. Colonel Lane-Fox: Do you contemplate a differential system as between various provinces? You do not suggest a uniform system; at different points different provincial Governments will have different powers?—We were not contemplating that the major provinces would have different powers. We were contemplating that they would all be on a parity, on one straight line, which would exclude Law and Order.

242. As I understood you, they would make a different rate of progress; some would get forward more quickly than others. That is your point of view?—Yes, up to the point where they include all those matters within the blue circle.

243. Mr. Cadogan: The progressive provinces would have to wait on the blue circumference until they had all reached it?—Yes.

244. Some of them would reach the blue circumference before the others. At the blue circumference they will wait for the rest?—They will have to wait for the rest, and then when the last one has got there, there must be a static period so that the last province shall have a chance of getting its education.

245. Colonel Lane-Fox: You said you would give the provinces power to take over on their own conditions Law and Order after a certain period?—Yes.

246. Do you think there is any province, if a resolution was put before it suggesting the taking over of further powers, that would not immediately adopt it?—Therefore, what is the value of that proposition?—Well, sir, one can only express an opinion. I am not by any means certain, speaking for myself, that all the provinces would go for taking over that subject of Law and Order forthwith when it was permitted.

247. If that did happen, then the only safeguard would be the veto of the Government, and different Governments having different personalities, there might be a case in which the Government was rather more cautious than another, and the province might feel a considerable provocation. Would not that put a further serious burden of responsibility upon the Government?—Of course, to veto anything is a serious responsibility.

248. Mr. Butler: As far as the All-India Government is concerned, the Central Government, the Central Legislature and so on, you have really got a double static period up to the blue and up to the red before anything is going to happen now?—Yes. Of course, Law and Order is one static period, because there is going to be a time period for the individual provinces to settle down, and then take over Law and Order. Then they get to the blue line. Then there is the full static period before the provinces can appeal to the Imperial Parliament to take over certain central subjects and devise some method by which they should be worked as responsible governments.

249. But the Central Legislature is completely sterilised during all that period—they have no power of dealing for anything?—That is so.

250. You are satisfied with the present position?—No.

251. But you are prepared to carry it on for another twenty years?—We want no further advance for the Central Legislature now.

252. Mr. Cadogan: I did not quite follow what central subjects are between the blue and the red lines?—Assuming that from that blue line up to here (the witness indicated a point outside the red circle) are all the central subjects, all I actually mentioned were those subjects which the Viceroy must control to carry out the Crown's obligations to the Indian States, they must rest outside, necessarily outside that red circle. All the other subjects can rest between the blue and red circles, but we do not imply that they should necessarily rest within this area.

253. Chairman: May I put it in this way? I think it answers Mr. Cadogan's difficulty, which was also mine, but you have now made it clearer to me than I had made it for myself. Your view seems to be that, whatever happens in the future about the power of the different provinces, there may be a list of things, of which the defence of India would probably be an example, which must always lie beyond any possible provincial sphere?—Precisely.

254. And you say that whatever happens in the future, those things you were excluding from the possibility of becoming provincial subjects; but you say as long as you keep those things which are in their nature and essence central, how much of the rest of the central powers may ultimately on application pass to the province is a matter which you think would have to be considered on its merits if the provinces asked for it to time. Have I put it rightly?—Yes, sir; but may I just say this: we are not contemplating any transfer of central subjects from the existing Central Government to the provinces. Is that clear?

255. Then what is the addition which you think the provinces may get when they pass beyond the blue line?—Just as you gentlemen are sitting here as a Commission so all the delegates from provinces

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[Continued.]

any sit together and say that they would like to take over certain central subjects.

262. Stop there a moment. Supposing they say that, and supposing they get their way, then they could be taking over certain central subjects?—Yes, at they remain central. The only difference is this, that those central subjects, instead of being worked as they are at present under the existing Constitution, could be worked by some other method which I have envisaged as responsible government, but the subjects could still be part of a central legislature. (Mr. Graham): May I say something so as to make it clear? Take America and Prohibition. If Prohibition happened to be a central subject, the majority of States want to take over Prohibition. If that was outside the red circle, it would immediately come inside the red circle, and become an Indianised subject. Am I clear now?

263. I think you mean the blue circle?—It would remain central, but it would pass from the existing Central Government into an Indianised part of the Central Government.

264. *Major Atlee*: That is the question I was asking, if there was any possibility of advance in popular control at the centre, and you said no; but I gather now that there may be, but it cannot be done by application of the Central Legislature, but only by application of all the provinces?—(Mr. Stanley): Precisely.

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268. *Syed Miran Muhammad Shah*: You want separate electorates for the provincial councils?—(Mr. Hossack): Yes. Which memorandum are you referring to?—(Mr. Stanley): Would you mind telling me the page?

*Chairman*: The gentleman has told you he would be in favour of joint electorates in local self-governing bodies and of separate electorates as a principle for the legislative council, and he has said that by that means he thinks that public opinion would have the opportunity of judging which method was the better.

*Syed Miran Muhammad Shah*: I want to know his reasons why he wants to introduce joint electorates in local bodies.

*Chairman*: I have no doubt he will tell you why.

269. *Syed Miran Muhammad Shah*: Have you any practical experience of local self-governing bodies in this presidency? Have you ever been elected or stood as a candidate for a municipal or district local board?—(Mr. Hossack): Might I also add a further reason to that expressed already by the Chairman of the Commission? We as a Chamber of Commerce consider that we are pledged to retain communal representation to the Mahomedan community until such time as that community chooses voluntarily to surrender it.

270. So if they do not want it, you do not want to thrust it upon them?—Certainly not.

271. *Rao Saheb Patil*: I want to ask whether you have studied the working of diarchy in the Bombay legislative council for the last nine years?—I have only been connected with the Bombay council for the last three years, but I have certainly studied for about seven years the working of the council.

272. Have you studied the working of diarchy?—Yes, I have in the last three years, not nine.

273. Is it not a fact that the ministers have worked satisfactorily as far as the transferred subjects are concerned?—To the best of my knowledge I think they have worked satisfactorily.

274. What are the objections to transferring Law and Order to the popular control?—Mr. Stanley will answer that. (Mr. Stanley): We have given this matter most grave and careful consideration. We originally thought it would be desirable to transfer Law and Order, but on further consideration we are of opinion that it would be better not to transfer Law and Order to begin with, but to allow the provincial councils to settle down, to get into the saddle, and then when they were functioning all right, if they

cared to take over Law and Order they could do so. That is a repetition of what I have already said.

275. *Rao Saheb Patil*: When do you think that Law and Order will be made a transferred subject?—We have been considering this matter for the last eight or nine months, and admittedly our opinion has changed several times.

276. And you have changed your opinion during that period of nine months?—We have changed our opinion, yes.

277. What were the circumstances that led you to change your opinion?—Further consideration and more information.

278. What was the further consideration, I want to know?—We have modified our ideas.

279. But what are the materials on which you have modified your ideas?—It was because we had further considered the matter; we had received further information, and therefore we came to the conclusion that it would be undesirable to advocate the immediate handing over of Law and Order to a provincial council.

280. What circumstances came to light which inclined you to take this view?—It is a matter of vital importance to all the interests concerned, and we feel that to advocate handing over Law and Order forthwith is a matter of grave responsibility.

281. We have never doubted it is a matter of great responsibility?—(Mr. Graham): We have a mandate from a body of men whom we represent, and beyond that we cannot go. These things are often decided by vote.

*Chairman*: It is not a matter of reproach to anybody, least of all to anybody who has studied the thing carefully, that in the course of reflection he should find his opinions have somewhat changed, in whatever direction it may be. For example, it would be quite useless to be a member of this Conference if one came here with fixed opinions, and, after all, the work of the Conference remained of the same opinions. I do not want you to regard it, therefore, as a matter of reproach that people on reflection should find their first judgment has varied. I do not say in the least whether I should agree with your first judgment or your second. Conference means we should try by reflection to arrive, if possible, at the wisest conclusions at the end, which is not always the same as starting with a fixed opinion at the beginning.

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[Continued.]

Bombay and Smaller Governing Units in the Presidency of Bombay." I take it that you want the Conference to understand that the opinion of your Chamber is entirely revised? So far as Law and Order goes, yes.

287. I make rather a point of this, because I have always understood that memoranda are accepted, and we generally ask questions to get some explanation of them, so I should like to have it recorded that the opinion of the Karachi Chamber of Commerce with regard to that paragraph, and especially with regard to Law and Order, has entirely changed? Yes.

Chairman: This is the point brought out just now by Mr. Fard. He said, "At one time you favoured having over Law and Order, and now you say you do not think it ought to happen yet." His own explanation was designed to get what it is very natural to want, but very difficult to give, namely, exactly why the change was made, and so on. I think this explanation is what was the result of further consideration and further information, and they admitted quite freely that it was a change.

288. Sir Arthur Peacock: Then you told the Chairman that after a certain period you considered each Province should have some sort of statutory right to decide or to apply to take over Law and Order? Yes.

289. But somebody should have the veto over that? Yes.

290. Was there to be some sort of body set up to inquire into the matter? We do not contemplate that. We contemplate the legislature themselves should be the inquiring body.

291. Chairman: The legislature really consists of the Governor and the Council, so the real meaning of it is that if the legislature decides to take it over after a time they may, but you wish to make it plain you expect the Governor's veto to be exercised if the Governor thinks it right to exercise it? Yes.

292. Sir Arthur Peacock: It is not a case of vetoing an ordinary legislative measure; here it is a constitutional matter? We have also suggested the Governor-General should have the power of veto. If the Governor felt it put him into an invidious position, he might let it go past him, so that the veto is exercised through the Governor-General.

293. At any rate, you are satisfied the Governor and the Governor-General should have the power to decide this? Yes.

294. Supposing the transfer is decided on, would you reintroduce the safeguards you set out here? Yes.

295. I should like you to make that point quite clear. You first of all favoured the transfer of Law and Order, and then you changed your opinion; but when you were in favour of transferring Law and Order you wanted certain safeguards. If in so many years' time it is transferred, will you still want these safeguards?—Yes, we should want precisely the same safeguards as we have asked for now.

296. As regards the transfer of all subjects except Law and Order, has your Chamber considered the question of finance very closely? Do you conceive the Central Government should still have some control over provincial finance?—We think it possible it would be necessary to correlate the borrowings of the various provinces by the Central Government.

297. That is a very important proposition; I am glad to see you have considered that. The question of loans and borrowings is a very important matter, and must be co-ordinated amongst the provinces. Your final recommendation, as I understand it, is not dealt with at any length in this Memorandum, but I understand that during this further advance in the Provinces your Chamber does not wish for any alteration in the Central Government?—We want no advance whatever.

298. Sir Hari Singh Gour: I find that your Memorandum is dated 3rd October, 1928, Mr. Stanley?—Yes.

299. On that date your Chamber was in favour of full autonomy being granted, including ministerial

responsibility for Law and Order, subject to the proviso set out in clause (3) on page 5: is not that so? You say "That full responsible autonomy be granted"?—Yes.

300. I see from page 218 that you have 82 members in your Chamber. Did you hold a meeting of your Chamber after October 3rd for the purpose of consulting them as to whether they were in agreement with the modifications you wanted to make as regards the reservation of Law and Order?—The Committee met.

301. There was no meeting?—(Mr. Graham): No general meeting, no.

302. That is what I mean. Your Karachi Chamber of Commerce passed this Memorandum, but you did not convene any meeting of your Chamber for the purpose of placing before them your view that Law and Order must be reserved and getting their consent to say so on their behalf here?—No. But we never called a general meeting on the Memorandum at all. The Committee had full power to deal with this question.

303. Did you call a meeting of the Committee?—Yes, the Committee has been sitting.

304. Chairman: It is very important to get this quite clear. I understand that you say that the printed document, called the memorandum, submitted by the Karachi Chamber, which as far as the print goes is dated October 3rd, 1928, was a memorandum which was drawn up and ultimately printed because it was agreed to by the Committee of the Chamber?—Yes. It was circularised as well, but no general meeting was called.

305. It was not only drawn up (perhaps in draft) by the Committee, but it was circulated to the members?—Actually in its complete form.

306. Was that with a view to seeing whether the members agreed or disagreed?—Yes. They were given a certain amount of time, and no objections were received.

307. Then I think Sir Hari Singh Gour was entitled to say that as the document is in print it might be fairly treated as being put forward with the authority of the members of the Chamber?—On the other hand, subsequently there was a Committee meeting.

308. I am coming to that. The memorandum as printed must be regarded as having been put forward at the time as representing the views of the members of the Chamber? That is the first step?—Yes.

309. My learned friend has pointed out that since then there has been some revision. I do not blame you in the least, but I want to understand it, just he does. I understand the revised views you have expressed today are expressed not on your personal behalf, but on behalf of the Committee. How big is the Committee?—Ten members.

310. Have you had a meeting of the Committee specially?—Yes, last week.

311. We could not help noticing that when Mr. Stanley was speaking just now in this interesting way he was in part reading from a document, a note or draft. Are the opinions or suggestions contained in that draft things which were agreed upon by the meeting of your Committee?—We have the entire consent of the Committee behind this revision.

312. One is entitled to know how it comes about. Was your committee meeting one at which the suggestions were discussed?—Mr. Stanley gave a full exposition of the memorandum as he has given it today.

313. But there has been no opportunity of circulating it to your members apart from your Committee?—No.

Sir Hari Singh Gour: Nor is there any resolution of your Committee on what Mr. Stanley mentioned to them. There is no resolution adopting this modification?

Chairman: If you mean the formal thing I do not care a button. I should like to ask this. I make no complaint, nor does Sir Singh Gour.

Sir Hari Singh Gour: Quite.

314. Chairman: We do not complain that the Committee should have the candour, and I think

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the public spirit, to come forward and state quite frankly it has modified its view. It is necessary everybody should do that if it is so. I wonder, however, whether you could find some means of circulating to your members the modification as you have suggested it today, and whether later on you would let the secretariat know whether the modified opinion you have given us is accepted by your members, or whether they prefer the original view?—Certainly.\*

315. *Chairman* : Dates do not matter, but authority does matter?—Yes, certainly.

316. Will you do that?—Certainly.

317. *Sir Hari Singh Gour* : Mr. Stanley, you have spoken of the static period and said that within that static period provincial autonomy would be created; in other words, everything within the blue line would be given to the provinces after the static period of seven years or whatever it may be, and after that you speak of the central subjects. Those subjects, I understand, would be transferred to a responsible government, but not a provincial government. Do I understand you to mean that after the static period, when full provincial autonomy is in force, all the provinces become autonomous provinces?—(Mr. Stanley) : Yes, the major provinces.

318. Then we have reached the blue circumference and we are dealing with the red circle. After that, to whom will you transfer the subjects which come within the red circle, the central subjects? Will it be to a responsible Cabinet in the Central Government?—Agreement has to be come to by the various provinces, as a unit, as to the form in which they desire to work certain central subjects in an autonomous manner.

319. All the provinces must join together in asking the Central Government to transfer all the central subjects, parcelling them out amongst the provinces?—No. There is no question of the provinces being able to take over responsibility from the Central Government; it is merely a question of making some form of alteration in the existing central Constitution by agreement among the various provinces.

320. Then you want to make an alteration in the Central Government depend on the volition of the provincial Governments?—On the provincial legislatures, who, as a body, will say to the Imperial Parliament: "We would like to take over certain central subjects and work them in this manner."

321. *Sir Hari Singh Gour* : You wish to place the Central Government at the mercy of the provinces under this scheme?

*Chairman* : I do not think he has worked it out in detail. Let us see if this expression is at all helpful to you. I am only trying to understand it. It seemed to me, when I listened to you just now, that you could express your idea in this way. When you have filled up the blue space, you suggested there would be a united resolve by all the provinces. That is as it may be, but supposing there was some central subject which was not going necessarily to be reserved outside the red line, it would be rather like starting diarchy at the centre?—It would be diarchy.

*Chairman* : I think that is the effect of it, that when you have exhausted all the provincial topics and filled up your blue circle, then the time will come

for considering whether there may not be some central subjects which could be under ministers subject and responsible to a Central Legislature. On the other hand, he thinks there are other central subjects (such, for instance, as defence or international relations) which, according to his view, would be beyond that, because they would not only be outside the blue moon, but outside the red sun as well.

322. *Sir Hari Singh Gour* : Your position, then, amounts to this, that as regards central subjects you give the provinces a voice in determining what measure of diarchy shall be introduced in the Central Government?—That is correct.

323. And to what extent and subject to what limitations?—We have not gone into details, but if they put up their proposals to the Imperial Government, it was up to the Imperial Government either to accept those proposals or give the grounds for refusing to accept them.

324. Then there are two breaks; you provide for two. One is the veto of the Governor, and the other is the veto of the Governor-General. It then comes to this, that there are only two obstacles to the full grant of autonomy, namely, the veto of the Governor and the veto of the Governor-General?—No, not at all. In the case of full provincial autonomy it has got to be ratified by the Governor and Governor-General. In the case of any of the central subjects that are transferable being taken over by the volition of the provinces to form a new Constitution so far as the Central Government is concerned that is subject to the ratification of the Imperial Parliament.

325. You say you do not want to see the Statutory Commission again in this country, but the Imperial Parliament is not likely to do anything without the advice of a Commission?—An amendment of the Canadian Constitution is subject to the assent of the Imperial Parliament.

326. As regards the provincial Government, you introduce the Cabinet system into the provincial Government, page 220?—(Mr. Stanley) : Yes, but we modify that, as a matter of fact. We think on the whole there must be joint responsibility.

327. Here again you depart from the memorandum passed and circulated to your members?—Yes.

328. One more question as regards the veto of the Governor. You have a Cabinet form of government with joint responsibility, and supposing the Cabinet and the legislatures had decided one way, could you ask the Governor then to exercise the veto? Will the Governor act in consultation with the Cabinet, or without consulting the Cabinet?—I am unable to answer that question.

*Chairman* : We are very grateful to you, gentlemen.

#### Appendix.

Copy of letter No. 10 Pn. 39 dated the 14th December, 1928, from J. R. N. GRAHAM, Esq., V.C., Chairman, the Karachi Chamber of Commerce, to the Secretary, Indian Statutory Commission.

"I have the honour to state for the information of the Indian Statutory Commission that the amendment made in the oral evidence of this Chamber *re* Law and Order has been ratified by Members of the Chamber. This is in fulfilment of the undertaking given by the undersigned to the Chairman that this would be ratified in due course."

\* *Vide* Appendix, p. 246.

## Memorandum submitted by THE ALL-SIND HINDU ASSOCIATION.\*

*Introduction.* This Association was started in the year 1924, and held its first conference in Hyderabad (Sind), at which 360 delegates attended from all parts of Sind. Its primary object was to ventilate the legitimate grievances of Sind Hindus and to protect their interests, whenever necessary. While anxious to co-operate with other Hindu organisations in Sind for the attainment of common objects, the organisers of this Association desired to avoid methods that might prevent Hindus who were not extremists in politics from joining them in their efforts for the advancement of the Hindu community in Sind. This Association is open to all sections of Sind Hindus, and counts among its members leading citizens, moralists, landlords, educationalists, and professional men.

This Association would be failing in their duty if at the very outset they did not draw the special attention of the Commission to the disabilities from which the Hindu community in Sind has been suffering owing to a change in the policy of the Local Government during recent years. When the British conquered Sind, they professed to be the deliverers of the people, especially the Hindus, from the oppressive rule of the *Mirs*. The Hindu community loyally co-operated with them in their efforts to evolve order out of confusion, and looking back to the progress of Sind under British Rule during the last eighty years the Sind Hindus can legitimately claim that they have contributed more than any other Indian community to the political, economic, educational and social advancement of Sind. Though a minority, they have never asked for any special protection or privileges for themselves; all that they have been pleading for is security for their person and property, the rural peace of Sind, and freedom from vexatious restrictions on their enterprise, energy and ability. And yet, during the last thirty years or so, with but occasional interruptions, the officials in Sind have been pursuing a determined policy of discrimination against the Hindus and of favouritism to the other communities, regardless of all consideration of justice and fair play towards all citizens of the State. The introduction of communal principle in the composition of the legislature and its recognition in the public administration of the country has aggravated the evil and made the position well-nigh intolerable.

In the opinion of this Association, the principle of communal representation and separate electorates is incompatible with the conceptions of nationality and responsible government, and they are firmly of opinion that no extension of reforms of 1919 will do any good to the country, especially to Sind, unless this blot on the constitution is immediately wiped out. The Lucknow pact which accorded excessive representation to the Muslim community on the Bombay council has given the Muslims a key position in the Bombay council, which they have utilised to the full for bargaining with Government for communal and individual ends at the expense of Hindus in Sind. The union of the official block with the Non-Brahmin and Muslim blocks has made it very difficult for Sind Hindus to secure fair treatment at the hands of Sind officials, and is responsible for a distinct fall in the standard and tone of the administration.

Far more potent for mischief than even the Lucknow pact has been the extension of its vicious principles to local bodies, services and educational institutions, etc. The authors of the Lucknow pact fondly imagined that communal representation will be strictly confined to the legislatures and took care to state this expressly; but the poison which they introduced into the body politic has spread itself to almost every department of the State. A Muslim Minister of Local Self-Government introduced into the local bodies in Sind, not with a view to protect a minority, but to permanently place a credal majority in power. The solemn declaration of the Court of Directors in their despatch No. 44, dated 10th December, 1834, accompanying the India Act of 1833, to the

effect that "the meaning of the enactment we take to be that there shall be no governing caste in India, and that whatever other tests of qualifications may be adopted, distinction of race and religion shall not be of the number," has been ignored, and appointments to public offices in Sind from the highest to the lowest are now made openly and on a large scale on the basis of the creed which the applicants profess. The magnitude of the injustice can be easily realised from the fact that during the last 25 years, not a single Hindu has been nominated directly to the Executive Branch of the Provincial Service in Sind, though quite a fair number of Hindu Sindhis have proved their fitness for appointment to the Indian Civil Service at the open competitive examination held in London.

This Association desire to draw pointed attention to the fact that though in the process of Indianising the services the rights and interests of European servants have never been encroached upon, the Mahommedanising of the services in Sind is being carried on in utter disregard of the rights of Hindu employees who entered the various services when the rules of Government clearly laid down that promotion and appointments would go by seniority and merit. The Hindus in services have been superseded not only by Mahommedans, but also by Christians, much junior to them. (See Appendix II for some cases of supersession.) The advocates of communal principle in services often argue as if the point at issue is the just distribution of offices between the diverse communities in India, losing sight of the fact that it is individuals and not communities that are appointed to offices. Religion is a personal affair of the individual, and the State has no moral right to make any enquiry about the creed of an applicant for an administrative job, much less to make an invidious distinction against individuals whose only crime is that they happen to be born in a particular creed or community. The adoption of this communal policy in the matter of appointments and promotions in services, irrespective of seniority and merit, has had a very pernicious effect on the administration of this Division. It has affected adversely the standard not only of efficiency but also of purity among the public servants. It has infected some of the public servants with the communal spirit, with the result that they inspire little confidence among the public for their impartiality. Moreover, this vicious policy of promotion and recruitment is a violation of the principle of religious neutrality of the State as it tends to encourage conversions from one religion to another. In the long run, this policy of favouritism conduces neither to the efficiency nor to the stability of the State. Ability cannot be suppressed for ever; its righteous discontent is bound to seek a revolutionary outlet if it is not allowed a fair scope in the State. In this connection, this Association cannot help inviting the attention of the Commission to the full implications of the reply to their representation on this subject from the Private Secretary to His Excellency the Governor of Bombay, a copy of which is submitted herewith for convenience of reference (see Appendix II).

A word may here be said as to the inconsistency of the Muslim demands in this connection and the peculiar position in which the Sind Hindus find themselves in this Presidency. While the Muslims in Sind do not desire to allow the minority an open door to the public services, the Muslims of U. P., Bihar, and C. P. are actually enjoying as a minority a share of the posts in the public services, much in excess of their population ratio. It is obvious that the Muslims cannot have it both ways. If it is wrong for a majority to reserve for itself the lion's share of public services and so prevent able members of a minority community from capturing the number of offices they deserve, it cannot be right for Muslims in Sind to impose a restriction on the number of posts the Hindu minority can capture in Sind through an open door of recruitment. If the Muslims are to be

\* The Appendices to the Memorandum have not been printed.

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[Continued.]

given any concession as a *minority* in the Bombay Presidency, either the same concession should be extended to the Hindu community in Sind or Sind should not be treated as a *unit by itself* for recruitment to services, and Hindus of Sind should be allowed to compete freely for posts in the Presidency as a whole.

The introduction of communal principle into the Local Boards has told seriously on their efficiency. The latest official report on the working of reforms admits that during the preceding three years, the growth of Hindu-Mahomedan tension in certain parts of Sind has had "a serious effect on the administration of the local self-governing bodies," that "in nearly all the Districts of Sind, the School Boards elected under the Primary Education Act of 1923 consist mainly of Mahomedans and many of the members have little education or administrative experience," and that "the appointments of administrative officers so far have been made *entirely on communal grounds*" (page 117, Report on the Working of the Reformed Constitution 1927). The entire policy of the Taulka and District Local Boards is dominated by a desire to secure *exclusive* benefits for the members of the majority community. Almost every question is determined on *communal* considerations. As the latest report on the reforms puts it, "so far there has been little or no signs of a growth of political party feeling in the local bodies. Members as a rule are divided into communal groups, and vote on communal grounds." Even schemes of taxation are devised with a view to penalise the minority community, as was admitted by even the Muslim Minister of Local Self-Government in his answer to an interpellation on 30th September, 1927, in the Bombay Council, reproduced below:—

Mr. Jairamdas Doultram (Eastern Sind):—Will Government be pleased to state—

- (a) Whether it is a fact that the District Local Board of Hyderabad Sind has forwarded its recent proposals for taxing professions irrespective of income to the Commissioner in Sind for sanction through the Collector of Hyderabad;
- (b) Whether it is a fact that the Collector of Hyderabad returned the papers to the District Local Board for reconsideration suggesting that certain professions followed practically exclusively by Muslims which had been exempted by the Board should also be taxed;
- (c) Whether it is a fact that the District Local Board rejected the suggestion and refused on various grounds to tax the Muslim professions which had been exempted;
- (d) Whether it is a fact that the proposed taxation has been criticised in the local Press as unfair in its incidence and designed to fall largely on Hindus?

The Honourable Sir Ghulam Hussain:—(a) to (d) Yes.

Worse than even this is the mentality of Muslims when in power to suppress even the *Official reports* against the local bodies in which the Muslim Community is in power, as is clearly shown by the refusal of the Muslim Minister of Local Self-Government to reveal even to the Bombay Legislative Council the contents of the Collectors reports on the Local Boards in Sind (vide Bombay Council Proceedings on the 28th of July, 1927).

The Education Department has made itself no less notorious for its policy of injustice to Hindus. All sorts of devices have been used to supersede able Hindus by Muslims (see Appendix IV for a few examples). The tragedy of the whole affair is that an educationally advanced community is being forced to have its children educated by members of an admittedly backward community in Sind. Even in areas which are predominantly Hindu are being compelled by a policy of favoritism followed in the admission of teachers to the Government Teachers

College to prefer inferior Muslim teachers to superior Hindu teachers.

The police is predominantly Muslim owing to a wrong policy of recruitment, and in the present phase of communal tension inspires no confidence among the Hindus, especially in the rural areas where a sense of insecurity at present prevails among the Hindus. Kidnapping and kidnapping for the sake of conversions is on the increase, and no serious efforts are being made to bring the offenders to book, or to break up the organisation which there is reason to believe exists for the purpose.

Even Justice is not free from a suspicion of being influenced by political pressure. The resolutions of the Muslim Association and the pressure brought to bear on the Local Government through the Muslim members of the Council in the Larkana Riot Case has seriously undermined public confidence in the impartiality and independence of the Magistracy. That the Police and Magistracy should have failed to prevent a serious riot in broad daylight accompanied by loot and murder in Larkana, a district headquarter town, or to find sufficient evidence against even one real culprit reflects great discredit on the police and the judiciary. No adequate explanation has ever been given why persons against whom complaints were lodged by responsible people, and whose names were disclosed in the evidence recorded by the special magistrate who tried the Larkana case, were not arrested and brought to book as early as possible (see Appendix V). Subsequent events have not only weakened the prestige of the Executive, but have also produced a painful impression on the public mind that the Bombay Government in their desire to secure the votes of the Muslim block of the Bombay Council is prepared to go any length to please the Sind Muslims and to tolerate any behaviour on their part. As a result of the Muslim agitation against Mr. Brown, I.C.S., the Collector of Sukkur, he was suddenly transferred from the district. No salary was paid to the demand for some action being taken against those Muslims who at the Muslim Conference at Sukkur on the 20th February, 1927, resolved to

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[Continued.]

- at least in all Districts and Divisions in which the Muslims form a majority of the population or of the voters.
- (b) No minority be given representation on the legislature in excess of its equitable share on the basis of a uniform principle applicable to all communities.
  - (c) That no local body be constituted on the basis of the communal principle.
  - (d) That recruitment to posts carrying a salary of more than Rs. 100 per mensem be made on the results of open competitive examinations.
  - (e) That the Judiciary be made subordinate to the High Court which should be completely independent of the provincial executive and the legislature.
  - (f) That adequate constitutional safeguards be provided for preventing legislatures and elective bodies from discriminating against any individual on the ground of his birth, caste or creed in the matter of (1) admission to educational institutions maintained or aided by the State, (2) appointment to any post, office of power or honour in the public administration of the country, (3) and purchase and sale of land or exercise of any trade or calling.
  - (g) Minorities of every territorial unit of administration be given the right to demand a commission of enquiry from the Provincial Government in the case of local bodies and from the Central Government in the case of Provincial Governments into allegations of discriminations against them, and provision be made for enforcing the recommendations of such a commission.

## I. THE REPRESENTATIVE SYSTEM AS APPLIED TO BRITISH INDIA.

(a) *Base of Franchise.* The existing scheme of Franchise appears to the Association to be based upon no principle whatsoever. The Southborough Committee adopted for the most part the varying proposals of local Governments but made no attempt "to correlate the size of the suggested electorates with the progressiveness of the provincial populations whether judged by *wealth, education or political activity.*" The distinguished authors of the Montagu-Chelmsford report said in para. 225 of their report, "we must, in fact, measure the number of persons who can in the different parts of the country be *reasonably entrusted* with the duties of citizenship," but the Committee seemed to have paid no heed to this test while laying down their recommendations. They ignored education altogether, and while adopting property rating as the basis for franchise, "made no comparison of the property qualifications" which they proposed in various provinces, nor did they explain the variations they recommended between *different parts of the same province.* (Para. 4, Fifth despatch on Indian Constitutional Reforms.)

The most obvious defect in the existing electorate is the small proportion of literate and intelligent voters among them. In the sparsely populated areas of rural Sind, practically without roads and other means of communication, it is impossible to keep in touch with the voter unless he is literate. The Southborough Committee did not think it "fit to impose any literary test although this course was urged by some witnesses, since this would exclude many electors who are competent to manage their own affairs." But that was hardly a justification for not recognising literacy, especially literacy in English, as a sufficient qualification in itself for voting at elections to the local legislative councils. So far as Sind is concerned, this would not have increased the number of voters to any such inordinate length as to create any practical difficulty. According to the census of 1921, the total number of Muslim literates in Sind above the age of 20, including many who already have a vote, was only 32½ thousands, of

which the males numbered only 29 thousands. Among the Shud Hindus the total number of adult literates was only 87 thousands, of which nearly 70 thousands were males. It is, moreover, far more democratic in the conditions prevailing in Sind to enfranchise all the literates than to lower even substantially the property qualification, for the bulk of the people have no proprietary interest in the land. Out of a total population of 32 lakhs, only 52,000 individuals own holdings of more than 25 acres of land; and the number of adults over 20 years of age must be much smaller. Incidentally, the enfranchisement of all literates would act as a great incentive to the spread of education in the country.

Another most glaring defect in the existing arrangement is the almost innumerable distinctions between different provinces and between even different districts of the same province in respect of the qualifications for voting. There is no valid reason why the minimum income necessary for a voter at the elections to the Council of State should be 5,000 in Burma, 15,000 in the Punjab, 20,000 in Madras, and 30,000 in Bombay. Similarly, there is no rational explanation available for fixing the necessary minimum income for a vote at the Legislative Assembly elections at Rs. 2,000 in Madras, U.P., C.P., Burma and Bombay and at Rs. 5,000 in Bengal, Delhi and Punjab. Even more unjustifiable than this is the differentiation between Muslims and non-Muslims in Bengal and Bihar in respect of franchise qualifications for elections to the Central Legislature.

Apart from extending the franchise to all literates in rural areas, this Association is not in favour of any further increase in the number of voters in Sind, as the political education of the electorate has not yet been taken in hand seriously even by professional politicians or candidates for election to the councils and as any great extension of franchise would only increase the power of the Zamindar and the rich capitalist to buy votes.

(b) *Method of Election.*—This Association is not in favour of reversion to the method of indirect elections. While recognising that the Muslim electors in rural constituencies in Sind have been lacking in political sense, they believe that it will be a retrograde step to deprive the councils of the real constituencies to which they are likely to become more and more responsible with the growth of primary education among the masses.

In the opinion of this Association one of the most serious obstacles to the political education of the voters is the existence of *communal electorates.* There appears to be no justification whatsoever for their continuance, especially in Sind where the Muslims form a majority and the minority community (viz. the Hindus) has never asked for them. Joint electorates and Territorial constituencies, each electing three or four members by means of a single transferable vote, would be a great advance on the existing system which encourages the voter as well as the councillor to think exclusively in terms of his own creedal community and which effectively prevents the members of educationally and politically advanced communities from taking in hand the political education of backward communities and from directing their energies to constructive measures for promoting the welfare of the people as a whole rather than that of a particular section of them.

(c) *Adequate representation of certain interests.*—The existing distribution of seats on the Bombay Council appears to this Association as very inequitable. The excessive representation accorded to the Muslim community at the expense of the other communities admits of no valid justification. For instance, no fair-minded person can tolerate an arrangement under which the Eastern non-Muslim constituency of Hyderabad, Thar and Parkar and Nawabshah districts with a male population of 253,000 and 21,000 electors is given *half* the representation accorded to the Muslim constituency of Thar and Parkar with a male population of only 139,000 and an estimated



number of electors of only 14,000 in 1919 (now reduced to 4,000 only). Neither population, income, property, education, nor commercial and industrial position entitles the Muslims to the number of seats reserved for them at present. Even their so-called political importance cannot be called in aid to justify their existing privileges in this presidency, for excepting in Sind they were not the rulers of any part of it on the eve of the British conquest. Even the Lucknow Pact on which the Southborough Committee based its recommendations has now been scrapped by the All-Parties Conference held recently at Lucknow. No class of people have a right to demand any special privileges based upon the religion of its members; all that a minority can legitimately demand is equality of treatment and a method of election that will ensure its representation in proportion to its real strength in the electorate.

Even if a minority be given any special privileges, it is better to reserve for them seats in proportion to their voters or even their population with liberty to contest any number of general seats. But in that case the proper unit to take is not the province as a whole but a plural constituency or at most a Division. For instance, the Muslims form a majority in Sind and will be in a majority in most of the plural constituencies that can be devised for Sind. There is thus no reason why they should be given the privileges of a minority community in Sind at all. It is the Muslims in a minority in other divisions and the Hindu minority in the rural constituencies of Sind who alone can legitimately claim the concessions due to a minority. It is not Religious Communities as such that are entitled to any concession in matters of political representation, it is only the minorities in different parts or constituencies who can legitimately claim their due share of representation or even exceptional protection. Apart from these fundamental objections to the existing distribution of seats on the Bombay Council, this Association wishes to invite attention to certain facts that demand a change in the existing scheme. The Muslim population of Sind at the Census of 1911, which was taken as the basis by the Southborough Committee, was 26 millions; at the Census of 1921, it was only 24 millions, calling for a reduction in the number of seats reserved for them. The Muslims in the Karachi District were given two seats on the assumption that the number of electors would be about 6½ thousands; as a matter of fact the number of electors at the last election was only 4,030.\* Larkana Muslims got three seats on the basis of 14 thousand electors; actually the number is only 10,601.\* The Thar and Parkar Muslims were allotted two seats in the belief that the number of their electors would be 14 thousands; the recent figures show the number to be only 4,475 electors.\*

Even a casual examination of the relevant figures will reveal the extent of injustice done to the Hindus of Sind by the Southborough Committee. In spite of their admitted superiority in respect of education, wealth and political consciousness, the weight attached to a Hindu vote is much smaller. In the city of Karachi 8,330 Muslim electors have one seat reserved for them as against one seat for 18,067 non-Muslim voters in the same city. Thirteen Muslim seats in rural Sind had only 50,000 electors in all, in spite of a very low qualification for franchise in Upper Sind Frontier District which has a swamping majority of Muslims; the average thus works out to be 3·8 thousand electors per seat. The Thar and Parkar District had two seats for only 4,475 Muslim electors, the average being only 2,238 per seat. But the whole of the non-Muslim Eastern Constituency has been given only one seat, although the number of its electors was estimated at 21 thousands by the Southborough Committee and is at present 24 thousands. Similarly the non-Muslim Western Constituency with its 26 thousand voters is entitled at present to only one seat on the Bombay council.

The present distribution of seats is exposed to the charge of inequality of treatment not only between Hindus and Muslims but also between Sind Hindus and Presidency Hindus. The Southborough Committee assigned one seat each to Surat with its 7,000 electors and Sholapur with its 6½ thousand voters but left out the City of Hyderabad with its 12½ thousand electors and the town of Shikarpur with its 8½ thousand voters. East Khandesh Hindus with their voting strength of 33½ thousands were assigned three seats but the Hindus of Sind with their voting strength of 46½ thousands were given only two seats. The average number of electors per non-Muslim seat in the Presidency (except Sind) was estimated to be about 10 thousands. The number of voters in the Eastern constituency for Sind was estimated at 21 thousands and that for the Western constituency at 25½ thousands; while the recent figures show the number of non-Muslim electors in these constituencies to be 24 and 26 thousands\* respectively. The highest number of electors for a non-Muslim rural seat (Broach) was 15½ thousands in the Presidency and 25½ thousands in Sind (non-Muslim Western Sind constituency). The lowest number of non-Muslim electors for an urban constituency in the Presidency proper was 7 to 6½ thousands (Surat and Sholapur) and that for a rural constituency was 6 thousands (Satara) as against 13 thousands and 21 thousands respectively for Sind in the year 1918, and 18 thousands and 24 thousands in the year 1926. Judged by the figures quoted above, in order to place on a footing of equality the non-Muslims of the Presidency and those of Sind, the existing distribution of seats should be modified so as to give the urban non-Muslim population of Sind two seats for Karachi and one each for Hyderabad and Shikarpur and the rural non-Muslims at least three seats more.

In the opinion of this Association the urban classes have not been given adequate representation on the various legislatures. The Franchise Committee itself admitted the justice of the principle that the superior standard of wealth and intelligence of the urban population, the larger interest evinced by them in political questions, and their extended experience of the use of franchise justified the representation of urban constituencies on a liberal basis. The Government of India, in their fifth despatch on Indian constitutional reforms, rightly pointed out that "after religion and race, the boundary between town and country is the greatest dividing line that runs through the Indian people. It corresponds closely with the division between progress and conservatism; between English education and vernacular; between experience of self-government and lack of such experience; between the existence of newspapers, professions, bars, libraries, societies etc., and their absence. It is roughly the difference between the old India and the new, the forces that are pressing us forward and those that are holding us back." (Para. 28.) This Association begs leave to point out that the Southborough Committee has made very inadequate allowance for the factors referred to above in the case of India in general and have ignored altogether all these considerations in fixing the seats for Sind Hindus, who are predominantly an urban community in Sind. Out of 104 elected members of the Assembly only 22 represent urban interests as against 82 representing rural classes, though the main taxes of the Central Government, customs and income taxes affect the former more than the latter. The Hindus of Sind, urban as well as rural, have been given only one seat on the Central Legislature. Conditions are no better in the local councils. Far from getting any special consideration because of their urban character, the Hindus of Sind get, as has already been pointed out, much less than their ordinary fair share of the non-Muslim seats in the Presidency as a whole, although they pay nearly 40 per cent. of the land revenues as owners and lessees of land, and the bulk of the Excise and Stamps in Sind.

\* See Bombay Council Proceedings, 11th Oct. 1927.



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[Continued.]

Even the special interests of Sind in commerce, trade and agriculture have not been accorded recognition so far. The Indian Merchants' Chamber of Karachi, which is a growing city of considerable commercial importance, has no seat either on the Bombay Council or the Central Legislature. The Sind Work Merchants of Hyderabad, who are vitally affected by all that pertains to trade and commerce both outside and inside India, have not been accorded representation on any of the councils. The Hindu Zamindars in Sind, who pay nearly 40 per cent. of the land revenue and represent a progressive force in Agriculture, have been ignored altogether.

The Association hopes that the Commission will look into these long-standing grievances of the non-Muslims in Sind and redress the inequality that exists at present.

## II. REDISTRIBUTION OF PROVINCES.

This Association is quite aware of the fact that the existing boundaries of different provinces have been determined by accidents; but they desire to emphasise the fact that we are not writing on a clean slate and cannot ignore *historical* accidents that have built up various ties and associations between the people of the existing provinces during the last 80 to 100 years. An historical accident that has acted as a centripetal force for several generations overcoming separatist tendencies that existed in the past is not to be despised merely because it was a fortuitous accident originally. Any scheme of redistribution that stimulates centrifugal tendencies in India is to be deprecated strongly. There are no *smothered* nationalities, longing for self-expression in any part of India; and the problem before India at the present moment is not to create new nationalities or to wake up the dying memories of old nationalities but to transfer political power from the British Government to the Indian Nation and to distribute authority from the common centre so as to carry on the administration more effectively and *intelligently* in the various parts of the country.

It is true that some of the existing provinces are too unwieldy to be ideal units for the successful working of self-governing representative institutions. But the proper time for subdividing such unwieldy provinces as Bengal, Bihar and U. P. does not appear to be near at hand. The need for additional funds for nation-building activities is at present so insistent as to make it very unwise to divert such funds as are available to the increase in the cost of administrative machinery, inevitable in the event of increase in the number of existing provinces. The level of taxation is already too high and any further expenditure on objects that do not tend to increase the taxable capacity of the people would wreck all prospects of trade recovery, economic development and expansion of nation-building departments. On these grounds this Association is opposed to any increase in the existing number of provinces. They would rather reduce the administrative cost by amalgamating some of the existing provinces, wherever possible.

Apart from Military considerations there are no valid reasons for maintaining as separate provinces small, barren and backward areas such as Baluchistan and N. W. F. Province. Nor is the continuance of Delhi, Ajmer-Merwara or even Assam as separate units of administration conducive to the political, economic and educational progress of the people of these areas.

In view of the Muslim demand for the separation of Sind from the Bombay Presidency and its constitution into a separate province, this Association would like to state briefly their grounds for strongly opposing this demand in particular.

The demand is in its inception frankly communal. Right up to 1920 the Hindus and Muslims of Sind were generally opposed to the separation of Sind and their united demand was for a more integral connection with the Bombay administration by the repeal of that archaic piece of legislation known as the Sind Commissioners Act. There the matter rested till

suddenly it was put forward by the All-India Muslim politicians as a condition precedent to their acceptance of joint electorates. There was no logical connection between the two; and the census figures of minority population in different provinces showed clearly that acceptance of joint electorates involved a greater sacrifice on the part of Hindus as a community than what the Muslims would be called upon to make in areas in which they form a minority. Attempts to explain the inward meaning of the Muslims' block demands by some of the leading politicians by a theory of balance of power, of "external" checks, of "Political equipoise," revealed their communal mentality in all its nakedness and showed that the separation of Sind was being demanded with the object of increasing the number of provinces in which the Muslims shall rule as a majority community, thus securing a *set off* or *additional hostages* as against the advantage which the Hindus have over the Muslim minorities in other provinces. The dangerous implication of such a basis for national unity can easily be realised; and the Hindus of Sind cannot but oppose strongly a demand that will make them hostages for the good behaviour of Hindus elsewhere. In the opinion of this Association the creation of new provinces primarily or solely with a view to increase the number of provinces in which a particular community shall be in a majority is fraught with danger to the growth of sound nationalism in the country, and will increase the area of communal conflict and endanger the relations between the two communities not only in the area immediately affected but throughout India. The Indian Muslim League laid down in 1924 that no province should be so added to or reorganised as to reduce the Muslim majority into a minority therein; and yet they now propose to transfer the control of Hindus in Sind from the Hindu majority in Bombay to the Muslim majority in Sind by separating Sind from Bombay and constituting it into a separate province. The only wise course in the circumstances of India is that no redistribution of any province should be allowed without the consent of a substantial proportion of at least the two major communities. Unless this is done, communal considerations are bound to influence the demand for redistribution of provinces and seek to divide India into Hindu India and Muslim India.

Attempts have sometimes been made by opportunist politicians to support the Muslim demand on the theory of linguistic redistribution of provinces. Apart from the patent insincerity of this plea in this particular case, this Association considers such a basis for redistribution of provinces *detrimental* to the growth of nationality in India inasmuch as it will tend to make India a congeries of linguistic nationalities and so stimulate centrifugal forces, *impracticable* because of the multiplicity of provinces it will lead to and of the intervention of the native states between parts of British India speaking the same language, and highly *undesirable* from the financial and administrative point of view, for all linguistic areas, even when compact, have neither the financial resources to run modern and progressive administrations nor sufficient political and administrative ability and experience to conduct successfully experiments in responsible Government without the assistance of and association with more advanced communities in the neighbouring areas. Even if the linguistic principle be accepted as a sound principle for the redistribution of provinces, it is not correct to assume that it can legitimately be applied *first* to Sind. Among the thirteen principal languages arranged in order of importance in para. 195 of the last Census Report, *Sindhi* does not figure at all. Nor are the financial resources of Sind greater than those of other linguistic regions. Apart from a desire to placate the Muslims, there is no valid reason why even on the linguistic principle the case of Sind should be taken up *first*.

This Association does not deny that there is an element of truth in the linguistic theory. It may be desirable from an administrative point of view to

bring together under one administration people speaking the same languages but scattered about under two or three different administrations. But this has no bearing on the problem of Sind at all. The Sindhi speaking people are *already* under one administration.

A common language in a compact area is undoubtedly an administrative convenience. But the administrative Divisions of Bombay are even at present linguistic areas and as such already enjoy this convenience. Sindhi is, so far as possible, even now the medium of instruction in primary and secondary schools in Sind; it is the language of official business and of Law Courts quite to the same extent as it would be in a separate province of Sind; and so far as Sindhi language can correspond to a special variety of culture, traditions and of literature, the administrative connection of Sind with Bombay does not act in any way as an obstacle to its development. Bombay does not propose to interdict the use of Sindhi language or use its political power to force Gujrati or Marathi on the Sindhis. Nor will any reasonable Government in a separate province of Sind forbid the use of Gujrati in the business world of Karachi or as the medium of instruction in the city of Karachi or the District of Thar and Parkar. The transformation of a linguistic Division into a province will bring about no change whatsoever in these respects and therefore the philosophy of linguistic principle sometimes called to the aid of the Muslim demand for the separation of Sind is *irrelevant* to the main issue.

The primary consideration in questions of this sort should be the *welfare* of the people of Sind as a whole and their associations at present. A dispassionate examination of the history of Sind during the last 80 years will reveal even to the most superficial observer the immense progress Sind has made during the period of its administrative connection with Bombay. Various ties and associations, administrative, educational, political and social have been built up during this long period of 80 years. Under these circumstances the *onus* lies heavily on those who assert that in spite of this rapid and substantial progress, of common efforts towards the solution of common problems, of 80 years' historical associations and common sentiments, and notwithstanding the unity of administrative and educational systems, Sind should be separated from the other Divisions of the Bombay Presidency. That burden of proof has never been discharged.

Apart from this negative argument, which alone is quite sufficient to dispose of the Muslim demand for separation of Sind and its constitution into a separate province, many positive arguments point to the conclusion that from the point of view of the people's welfare, it will be very unwise to accede to this demand.

*Politically*, the step suggested will prove to be a retrograde step. The existing facts of economic and political life in Sind practically rule out the possibility of giving Sind the same form of Government as an advanced province like Bombay has at present or will have in the near future.

The case in support of this statement cannot be put more strongly than in the following paragraphs taken from the memorial which the Sind-Mahomedan Association submitted to the Right Honourable Baron Chelmsford and the Right Honourable Montagu in the year 1918 :—

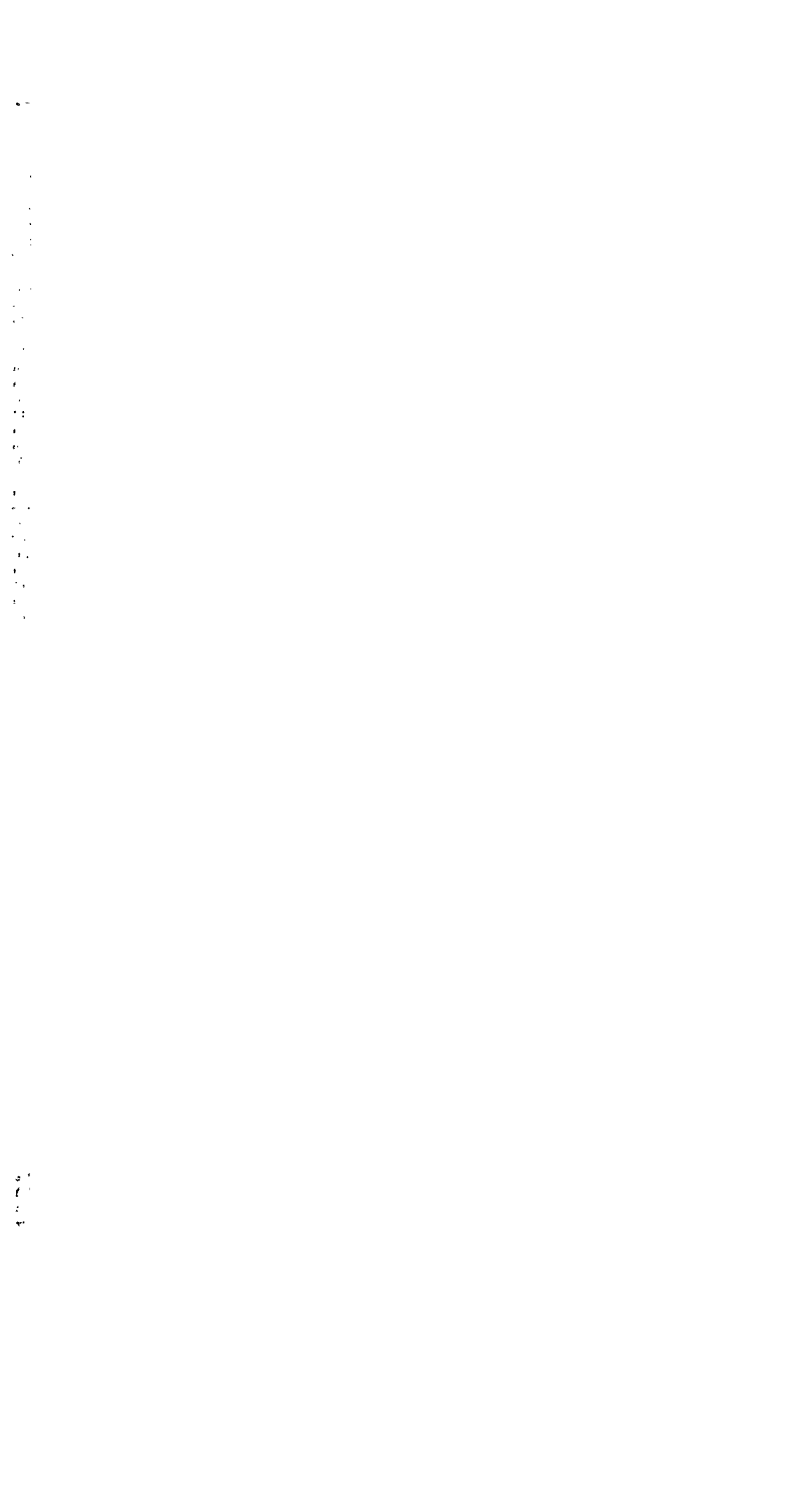
"Your memorialists do not wish to refer to other parts of India but will confine their observations to Sind. This Province is not yet ripe or ready for democratic Government. Its history, tradition, the heredity and disposition of its peoples, its want of homogeneity or community of interests, social, religious or of any other kind, all point to the other way. Less than a century ago, it was from time immemorial under the rule of a monarchical government. The short time that since elapsed is not sufficient even under the beneficent influence of the benign British Government and the blessings of Western education, to evolve the spirit sentiment, and disposition essential to the success of democratic

institutions (para. 4 of the memorial) . . . As regards the method of appointment of the so-called popular representatives on the council, namely by election directly by the people, your memorialists have no hesitation in saying that neither the community they represent nor other Indian communities in the provinces are sufficiently educated and independent to make a right and proper use of this purely exotic method (para. 5 of the memorial). Speaking of our province particularly, and of the relation between the two communities generally, it appears to us that apart from a common homeland and a common language, the two communities have so many conflicting interests that there cannot really be any satisfactory mutual agreement between them which is not safeguarded by legal and constitutional guarantees."

There is no evidence whatsoever that during the decade that has elapsed since this was written, a real revolution has taken place in the conditions of Sind so as to justify the Muslim Associations' demand for a more advanced form of responsible government than what they objected to ten years ago. In point of literacy, the Sind Muslims are not only behind the other people of the Bombay Presidency, but also behind those of even Baluchistan and the North-West Frontier Province. Apart from literacy, it is difficult to think of any effective means of political education in a sparsely populated area such as Sind, with its few cities and extremely inadequate means of communications. Nor is the character of the electorate any way encouraging. Statistics of serious crime in Sind, the testimony of such careful observers as Mr. P. R. Cadell, a retired Commissioner (*vide* his speech at the last Sind Dinner, London), and the report of the cattle lifting committee including the non-official minutes of dissent—all reveal the stuff of which the electorate in Sind is made. The results of the last three elections show clearly that the Zamindari and reactionary elements will largely dominate the Sind Council and that quite a large percentage of the members will be unfit for real council work. The absence of strong and organised public opinion and a vigilant, fearless, and well informed press in Sind will be another serious handicap in the working of self-governing representative institutions. The policy of differential treatment of various provinces recommended in paras. 142, 198 and 238 of the Montagu-Chelmsford Report and followed by Parliament in its varying schedules of reserved and transferred subjects indicates that, in the circumstances described above, no case can be made out for transferring to the ministers in Sind the same subjects as are under ministerial control in Bombay.

On the other hand, it is fairly certain that an advanced province like Bombay cannot long be denied full provincial autonomy with ministerial control over practically all departments. The result would be that under a separate Sind Government, the people of Sind will be denied not only the advantage of a further instalment of reforms but also a part of the popular control which they now enjoy in association with the other people of the Bombay Presidency. Moreover, a separate Sind Provincial Government can never have the same influence with the Government of India and the Secretary of State as one of the oldest Presidency Governments like that of Bombay. The conclusion seems irresistible that the constitution of a separate province in Sind will throw it into the category of backward provinces and place it under the control of a reactionary, unprogressive, obscure and petty administration.

The deterioration in the general standard of administration will be no less serious. A small province has necessarily a small cadre of service; it will necessarily offer a lower scale of salaries; at any rate, it will have fewer posts in the higher scale and so it cannot offer adequate scope to able and ambitious men in the services. Undeveloped Sind, which needs the supervision of experts more than any other province, will thus be deprived of the valuable advice and supervision that it now gets from the . . . the . . . day



community has as yet offered no guarantees against additional taxation of this sort or against unfair discriminations against the Hindus in the matter of beneficent expenditure on nation-building departments or against vexatious restrictions on their economic freedom. The policy of the local boards in Sind and the mentality of Muslim politicians as revealed by their public utterances clearly proves the dangerous implications of this demand for the separation of Sind, and amply justifies the solid opposition of the Hindus to this proposal.

On all these grounds this Association is strongly opposed to the separation of Sind from Bombay and they feel that they have in this matter practically the entire Hindu community in Sind behind them. For further information on this subject the Association wishes to invite the attention of the Commission to the pamphlets sent herewith.

### III. THE SELF-GOVERNING BODIES (Municipalities and District Local Boards).

(a) The Association sees no justification for the introduction of communal representation on the local bodies and feel that it has accentuated communal differences in Sind. They desire its early abolition as an essential step in National evolution, and urge that a clause be introduced in the Government of India Act, preventing provincial legislatures from introducing communal representation and separate electorates in the local bodies. The interests of minorities can easily be safeguarded by the system of a single-transferable vote and by the creation of a special machinery to investigate complaints of unfair treatment of minorities or of charges of maladministration on the demand of a certain minimum number of members of the Legislative Council, with ample powers to enforce its decisions.

(b) This Association is of opinion that there is a grave danger of deterioration in primary education if the experiment of transferring practically the entire control of primary education to the District Local Boards is persisted in, and that the older system of control and administration by the Education Department, now under ministerial control, is likely to give better and quicker results with the same amount of funds as are intended to be released for primary education. For the same reason, they are not in favour of relaxing the control of the provincial medical department in matters relating to medical aid and administration specially in rural areas. They feel that it is very necessary to put a stop to the temptation to abuse the power of patronage in the matter of appointments carrying a salary of Rs. 100/- p. m. and over, and would suggest the creation of one cadre of service for all the local bodies to be recruited by a special Appointment Board, or failing that a system under which the choice of the appointing authority is restricted to a panel of candidates recommended by independent Selection Boards.

### IV. THE PROVINCIAL GOVERNMENTS.

In the opinion of this Association, the system of divided responsibility, the existence of official block and communal representation have proved to be serious obstacles to the success of the experiment in responsible government in the provinces. Unless all these three hindrances are removed, no real advance in this direction is possible.

In the present circumstances, it is not possible to evolve political parties, to give real power to a Provincial Legislature to choose its executive and have full control over its Cabinet, and to create a sense of joint responsibility among the members of the Cabinet.

This Association is not a believer in unrestricted provincial autonomy. India is and must remain one; and the Central Government must be clothed with sufficient authority to prevent internal disruption, unhealthy provincialism and intolerant communalism. It must continue to be the supreme unifying authority in all matters in which unity is a

help to national progress and should be free to step in, whenever and wherever Provincial Governments cannot *effectively* promote *national welfare* or are likely to dissipate their resources in unnecessary duplication. It must, in no case, be reduced to a mere military and revenue collecting agency or divested completely of its ultimate responsibility for the moral and the material progress of India. Local governments should have freedom, where freedom is a help and not a hindrance to the progress of India as a whole. Such an arrangement is not capable of being defined rigidly; it can only grow by understandings and traditions in accordance with the varying needs of a growing nation. *Legally*, the Central Government in India should have *full* power to make laws for peace, order and good government of the whole country as is provided for in section 59 of the South African Constitution. *Legally*, it should not be prevented from doing what the Federal Government in Germany can do, viz., "to establish *uniform* rules for the promotion of *social welfare* and for the protection of public order and safety" (Article 9), "to prescribe by law *fundamental principles* concerning the rights and duties of religious associations, education including higher education, libraries for scientific use," "the land law, the distribution of land, settlements, and homesteads, restriction on landed property housing and distribution of population," (*vide* Article 10) "to prevent imposition of excessive burdens in restraint of trade, tax discrimination against the products of the other provinces" (*vide* Article 11), and to insist on every Indian having "the same rights and duties" in every province as the residents of that province (*vide* Article 110) and on "all citizens without distinction being eligible for public services in accordance with the laws and according to their ability and services" (*vide* Article 128). How much of all this will in practice fall into disuse depends as much on the use which different provinces make of their opportunities to promote the welfare of their people as on the dynamic force of the Central Government. But on no account should the Central Government allow a backward province to live a life of isolation from the general march of progress or bring the country to the verge of a civil war by communal tyranny or discriminations against other provinces.

### V. THE CENTRAL GOVERNMENT.

But if the Central Government is to discharge these beneficent functions efficiently it cannot remain *irresponsible* to the Central Legislature for any length of time. A representative legislature and an irresponsible executive cannot work together in harmony. A reversion to the past is out of the question; the only alternative is to concede an advance in the direction of responsibility of the executive to the legislature. Few politicians claim the transfer of the military and the political departments at the present moment. An impartial Tariff Board can easily ensure the same treatment to British trade and industry as is accorded to them by Dominion Governments. The interests of British capitalists already in India can be easily protected by constitutional guarantees and the institution of a special tribunal to investigate complaints of unfair discrimination against them and to advise the Viceroy to exercise his veto in any particular case. With a second Chamber, properly constituted, it should not be difficult to protect minority interests and prevent the passing of any measure in haste. If India is to be conciliated, a substantial measure of responsibility in the Central Government must be conceded; otherwise the country will drift on to a state of affairs that will be a serious menace not only to the British Government but also to those elements of India's population that are anxious for its peaceful evolution towards a great democracy.

### X. THE SERVICES.

A country so vast, so undeveloped and so backward as India is, needs for its public services men who are



**KARACHI.****Dated 13th November, 1928.****PRESENT :**

ALL THE MEMBERS OF THE COMMISSION OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND) AND OF THE BOMBAY PROVINCIAL COMMITTEE.

**Deputation from the ALL-SIND HINDU ASSOCIATION.**

The deputation consisted of—

1. Professor H. L. Chablani, M.A., Head of Economics Department and Dean of the Faculty of Arts, Delhi University.

2. Rao Bahadur Hiranani Khemsingh, B.A., LL.B., Zamindar and Ex-President Hyderabad (Sind) Municipality.

3. Mr. Dilmal Doulatram, B.A., LL.B., Ex-Sessions Judge.

4. Mr. M. L. Chablani, M.A., Principal, Model High School, Karachi.

5. Seth Swoukatrai Vehromal, Merchant.

6. Mr. Harchandrai Tahilram, President District Local Board, Tatta Division and Ex-President of Tatta Municipality.

7. Mr. Mulchani Kauromal, President Sahi Community.

8. Seth Chellaram of Shikarpuri Community.

9. Mr. Bhagvandas Ahuja, Merchant.

10. Mr. P. T. Advani, Zamindar and Miller.

11. Dr. D. G. Advani, D.P.H., L.M., L.R.C.P., M.R.C.S., Secretary, All-Sind Hindu Association.

1. *Chairman* : I understand, gentlemen, that the principal spokesman of the deputation is Professor Chablani?—Yes.

2. We know that you are a Professor of the Delhi University. I understand, sir, that you come from Hyderabad?—I am a resident of Hyderabad and I have also a house at Karachi.

3. Among others there are also here Dr. Advani, who is the Secretary of the All-Sind Hindu Association, Mr. R. B. Hiranani, ex-President of the Hyderabad Municipality, a lawyer of Hyderabad, Mr. Dilmal Daulatram, retired Sessions Judge, and other gentlemen whose names we have before us. There seem to us, Professor Chablani, to be two main compartments in your memorandum, and I had better consult the Conference as to whether they had better be dealt with in turn. One has to do with the position of the Hindu community, its representation and so on in Sind, and the other has to do with the very difficult question of the possible separation of Sind. Is that not so?—Yes, sir. There are some other general points also relating to the whole of India.

4. Yes, but we are rather anxious sitting here in Karachi to consider in the first instance at any rate these two matters, and I will include what you refer to as the general constitutional position under the first head. To begin with, would you like, Professor Chablani, to deal with the general constitutional considerations leaving over the question of separation of Sind, or would you like to deal with the separation of Sind first?—I would like to deal with the general questions first.

5. *Chairman* : Would you like to address us shortly first?—Yes, sir. At the very outset I would like to remove a possible misconception as to the object of the contents of the first five pages of the memorandum. We have mentioned various particulars showing the position of the Hindu minority in Sind not with a view to recall the unhappy past, but with a view to indicate how the public administration of this country has been affected by the vicious principle of communalism and how necessary it is to provide safeguards against

the recurrence and the repetition of the events that have happened in Sind during recent years. That is the object of the first part of the memorandum. So far as our Association is concerned, our general position is exactly the same which, sir, you yourself mentioned to be the object of this parliamentary enquiry, namely, to render justice between man and man. These various incidents have been referred to only to emphasise that justice between man and man has not been the ideal of the present administration in recent years, and that that excellent maxim has been departed from with disastrous consequences. We ask for no special privileges for the Hindu minority in Sind. We only ask for equality between all the citizens of the State. In the matter of franchise, we wish some glaring anomalies to be removed. We wish that the income qualification laid down for the non-agriculturist population should be made equivalent to the land-revenue qualification laid down for the agriculturists. We wish that the Hindu agriculturists of Thar and Parker districts should be placed on a footing of equality with the Muslim agricultural element in the Upper Sind Frontier.

6. *Chairman* : May I just ask you to explain one phrase you used to save time? You said that you wished that the income-tax qualification should be made equivalent to the land-revenue qualification. I imagine that that can be done in more ways than one. What is the practical step which you would recommend?—We can come to an agreement as to the possible and probable income of agriculturists paying a certain amount of land-revenue, and we know the income of people who pay taxes based on income. The same possession of property or income ought to entitle the people to the same privilege. That is our point.

7. Professor, I want you to give us a practical application?—For example, the payment of Rs. 32 of land revenue is a qualification in the rural areas for agriculturists. Generally twice the land revenue is supposed to be the profit of the agriculturist. But in some of the areas probably it goes up to four times. Taking the maximum four times 32 makes 128. A man with an income of Rs. 128 whether

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[Continued.]

48. Please reply to my question. The investigating officers were all Hindu gentlemen?—Mr. Barker was not a Hindu.

49. The sub-inspector was a Hindu. The public prosecutor was a Hindu?—There was a Muslim superior officer. My contention is that there is a suspicion of political pressure behind.

50. Have you got any proof to support your allegation?—The very resolution of the Muslim Association quoted in the Appendix to our memorandum proves it.

51. They passed a resolution?—Yes.

52. And this was a result of that resolution?—Yes.

53. Nothing beyond that?—My whole point is that the public confidence in the judiciary has been weakened by this incident. I do not like to mention names. But the fact remains that a big riot took place in broad daylight in a district headquarter town and no one has been convicted.

54. Chairman: Surely the point for us is that you are speaking on behalf of your deputation desiring to represent the feelings of your community; that is a fact?—Yes.

55. Khan Bahadur S. N. Bhutto: You know that three or four Muslims died in jails and it cost Rs. 80,000 and the accused were honourably acquitted?—I am not here to answer questions relating to such facts.

56. You have made certain allegations in your memorandum?—All I have stated is that in broad daylight one man was killed and about one hundred people looted and there was not one man who was punished and that this reflects great discredit on the police and the judiciary.

57. Since the British raj came I think about 22 lakhs of acres of land have passed to the Hindus, that is during the last 80 years, while they had only a few thousands of acres before?—I have not come here to answer questions relating to the transfer of land.

58. You will not say you have not been prosperous?—That has been in spite of the circumstances, not because of them.

59. You do possess now land to the extent of 22 lakhs of acres?—We possess about 28 per cent. of the land which is not more than the population ratio.

60. You monopolise the services? About 75 per cent. in all the services are Hindus?—We do not monopolise the services. The police is not monopolised by us; the education department is not monopolised by us.

61. Does not the very fact that your voting strength is greater than the Muslims show that during the last 80 years your community has prospered more than the Muslims?—Is it our fault that we have prospered and the Muslims have not?

62. Your voting strength is greater than that of the Muslims?—We are more enterprising. We are educated far more than the Muslims and our complaint is that the backward community tries to arrest our progress in every way and to bring us under their control.

63. Would you please tell us what is the percentage of the Hindus in services such as the Public Works Departments and Forests?—I am not acquainted with the percentages in each department. I have not investigated into it.

64. I wanted to get at this point. You have mentioned about the United Provinces. I have got the figures for the United Provinces and they show that the minority community there enjoy about 16 per cent. of the posts in the subordinate services and 40 per cent. in the executive, while the figures in Sind show that you enjoy 75 per cent. Do any other minority in India enjoy as much percentage as they do here?—My contention is that whereas in the United Provinces there is no decree of Government restricting the right of Muslims to enter the services, here in Sind we have a decree passed by the executive preventing the recruitment of the Hindus into the services above a particular ratio. While there is no

ratio fixed for the Muslim minority in the United Provinces, we have here certain measures restricting admission of Hindus into the services.

65. Chairman: I wish you just to give me an instance of that. You speak of the authorities laying down a ratio? Is that for Sind?—Yes.

66. What is it?—Government have ordered that the Muslims should be represented in a particular ratio in certain departments.

67. Khan Bahadur S. N. Bhutto: May I know where it has started, in which department?—In almost every department. The directions are there, they are to the effect that 50 per cent. of the men should be recruited from the Muslim community.

68. But you will admit that that only remains on paper and if you compare the figures of 20 years back with the present figures you will find that there is no difference in the matter of recruitment of the two communities?—That is because few Mahomedans, even with minimum qualifications, are available.

69. And yet you cry?—I protest against this policy of discrimination against capable Hindus.

70. Khan Bahadur S. N. Bhutto: You have mentioned some quotations from some unknown persons regarding Mr. Brown and Mr. Rieu?—I did not know that Messrs. Abdur Rahman and Abdul Majid were unknown persons in Sind.

71. Are there not such irresponsible people in your community, and do not they belong to the extremist class of people?—At any rate I do not protect them.

72. You say in your statement that Muslim members in the Bombay legislative council have been taking advantage of their position in bargaining with Government in their own individual and communal interests. What is your authority for that statement? Can you give me any instances where they have bargained with the Government?—It is a matter of common knowledge. There can be no legal proof in matters of this sort.

73. But you can give no instance?—I can give several.

74. Give me one please?—The modules scheme was abandoned because of the political pressure of the big Muslim zamindars in the council.

75. Was the modules scheme given up in the interests of Muslims or in the interest of zamindars?—It was given up in the interest of big zamindars at the upper end of the canal, mostly Muslims, and at the cost of the poor agriculturist at the tail.

76. There are big Hindu zamindars as well?—A few. But that does not prove that political pressure was not used to have it cancelled.

77. Supposing for argument's sake that it is so, are not the Hindu community 40 per cent. strong in Sind?—I repeat that it was all due to communal and individual pressure. If the Commission sends for the records of the case, I believe there will be startling revelations.

78. But this does not amount to communal or individual pressure?—Certainly. Besides it is notorious that certain appointments were made under pressure of certain individual members of the council.

79. So far as the reforms go, will you admit that the reforms have proved successful due to the co-operation of Mussalmans and because of their not creating obstacles in the way of Government? So you call that fact, namely, their not creating any obstacles in the way of Government, a bargain?—Well, there may be two opinions about that. Government fell into the hands of Muslims because the Swarajists refused to take office.

80. You say that there is rather a disproportionate representation of Mahomedans in service here, but the figures I have got here rather go to disprove that statement. Do you know how many deputy superintendents you have got in the police department? I cannot say.

81. But you have got there your proper share, more than the Mussalmans?—We have not got our proper share in the police department.

82. But the Civil List shows that you have got more number?—But the Civil List will also show you





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facility to everybody who is too poor to educate himself.

111. You will give them special educational facilities?—I will give that to all poor men, no matter to what community they belonged.

112. But you have a Muslim population here which is in a majority and they are backward, and you have also said that the backward communities are a drag on the whole of your province. As the head of the administration how are you going to get over it?—A. When I remove the economic disabilities, I do it for all.

113. I am speaking of the backward community?—Surely the backward community would profit most by such an arrangement because it has a much larger number of poor individuals. But, it is the poor man as such and not as a Hindu or a Muslim who will be the object of my care.

114. You will give to the Mussalman community the most?—I would not exclude any poor man.

115. But you said they are a drag on your province?—They are.

116. In reply to a question by Major Attlee you admitted that votes are sold in municipal elections?—I never said that everywhere they are sold.

117. I did not say everywhere, but somewhere?—There are occasionally cases of that sort.

118. Can you tell me when such buying and selling takes place? Is it just on the eve of the election, or a few months before the election? Have you any experience of that?—I have not been an electioneering agent myself. I cannot say.

119. I am not asking you whether you are an electioneering agent or not. I only want your view on the question. Is it a fact that the market value of the votes increases as the election draws near and that sometimes for buying votes money is advanced by moneylenders?—I am not aware of that.

120. You are for the abolition of separate electorates and you want joint electorates in Sind. Is it out of pure love for an ideal or because you think that the abolition of separate electorates will result in the return of Hindus to the legislature in larger numbers than the Mahomedans?—I do not care whether a Hindu or a Mahomedan gets into the legislature, so long as vigorous and capable men with a non-communal outlook get elected.

121. You are for vigorous men. But I want to know whether as a result of the abolition of communal electorate, Hindus will be worse than they are to-day?—So far as the mofussil in Sind is concerned I feel they would probably be worse off because the mofussil people are illiterate and rural Sind is dominated by Muslim zamindars. The Mahomedan zamindars will seldom allow votes to be given to a Hindu candidate.

122. *Sir Hari Singh Gour*: Professor, I understand you to mean that so far as your community is concerned you are anxious to preserve a high standard of efficiency in the public services?—Certainly.

123. And you wish to ensure an equal chance to all communities commensurate with their ability, efficiency and experience?—Certainly.

124. You wish to give the backward communities no privilege merely because they are a backward community?—No.

125. The result of it would be that the backward community will rule over the advanced community and with their lower standard degrade public life and public institutions. Is that what you mean?—Yes.

126. As regards the backward community you have to give them special facilities, otherwise they will remain always backward?—I would give facilities to every backward individual no matter to what community he belongs. I will not, for instance, exclude a poor Hindu who is handicapped by poverty from educating himself merely because he belongs to an advanced community.

127. But you must recognise that there is such a thing as congenital aptitude—certain communities

have aptitude for certain work which other communities do not possess?—But nurture can do even more than nature. If education was open to all poor people and provided by the State, it will at the most take only a few years for the backward communities to come up to the level of advanced communities.

128. *Sir Zulfiqar Ali Khan*: Professor, will you look at page 228 of your Memorandum? You say in paragraph 3, "In the opinion of this Association, the principle of communal representation and separate electorates is incompatible with the conceptions of nationality \* \* \*." India has got a peculiar position you must admit, and the question of nationality in India is one of paramount importance because round it revolves the whole problem. Could you please tell me what is your idea of the community of interests which form a nationality?—I do not exactly follow you. I feel that there is no conflict of interests between Hindus and Muslims so far as political ideals are concerned.

129. What I want to know is whether India is inhabited by people who profess one religion, who have one common tradition, one history and also common social institutions?—I do not believe that a common religion is a necessary element in every nationality. The United States has not got one religion, Canada has not got one religion and England has not got one religion.

131. *Sir Zulfiqar Ali Khan*: With regard to the services will you please look at page 228 of your Memorandum. You say therein that "While the Muslims in Sind do not desire to allow the minority an open door to the public services, the Muslims of the United Provinces, Bihar and the Central Provinces are actually enjoying as a minority a share of the posts in the public services, much in excess of their population ratio." May I ask you whether the Hindus in Sind do not form 27 per cent. of the population and the Mahomedans form the rest of the percentage?—Yes.

132. Do you not believe that though the Mahomedans in the United Provinces have an excess share of posts there, yet they do not enjoy the same privilege here?—My contention is that I am being prevented by administrative rules from entering through an open door.

133. *Chairman*: Professor, let me now put two or three questions on the separation of Sind. Taking all the considerations together, do you advise the Conference or do you not to adopt the proposal for the separation of Sind and making it a separate province?—I oppose it strongly.

134. I suppose you recognise that Sind has an area which is to some degree more separated from the rest of the Presidency of Bombay than, say, Deccan?—Certainly.

135. You admit that there are administrative and other considerations which do make Sind stand out from the rest of the Presidency to a degree which is exceptional?—No. I do not think that the differences between the Deccan and Gujrat are less than those between Sind and Gujrat.

136. What is your principal reason for advising that Sind should not be separated?—From the point of view of peoples' welfare, it is not desirable that a backward tract like Sind should be separated from the Bombay presidency.

137. Sind being in your view more backward than many parts of the Presidency do you consider it is better for it to be yoked with the rest of the Presidency?—Yes.

138. Do you think the area and population of Sind in the circumstances are such as would justify creating a separate province?—No; it is too small.

139. I am not expressing any view but am merely putting a question. You have, I know, gone closely into the financial question in your pamphlet which I have read. Let me say that we cannot enter into the financial question in great detail now. But tell me



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157. Supposing the financial objection is removed, then also you object to the separation?—Yes. Education for instance will deteriorate apart from the financial burden.

158. I do not want to discuss educational matters with you. You referred to the Sukkur Barrage and stated that the revenue will not be able to meet the cost in the initial stages. I think the Government of Bombay is not providing from its revenues the expenditure on the Sukkur Barrage or any other project on which a capital expenditure is incurred. The debt is incurred by the Government of India?—No province can incur debt except on the security of its revenues; otherwise nobody will lend. The Bombay Government is giving you that guarantee and meeting a portion of the interest charges from its revenues.

159. It was the Government of India that borrowed the money?—On whose security?

160. *Chairman*: I think that Mr. Muhammad Shah is right in saying that the Government of India has borrowed the money for the Sukkur Barrage and it has borrowed the money on the securities and resources of the Government of India, which has lent the money to the Government of Bombay. But in the last resort what you say is correct?—I submit that there is another aspect of the thing to consider. The Government of India is not going to raise crores of money on behalf of a provincial Government whose revenue is only Rs. 1,64,00,000.

161. *Syed Miran Muhammad Shah*: Do you think that the Government is not morally bound to constitute the backward areas into a province?—It has also to consider the risks.

162. Supposing the Sukkur Barrage pays for itself and it will bring prosperity to the people and every pie that you spend is got back?—Every project is subject to some risk of failure.

163. Risks have to be faced?—Yes, but there is a difference between the smaller provinces and bigger provinces in respect of the risks they can incur.

164. It is the duty of the Mother Government of India, the Central Government, to see that the backward area is developed?—I do not believe any Central Government is prepared to borrow money on behalf of a Provincial Government irrespective of the revenues of the province. At least there must be some proportion between its revenue and its borrowings.

165. *Rao Sahib Patil*: Supposing as a matter of argument Sind is constituted into a separate province, do you think there would be sufficient work for a legislative council in that province?—I think you as a member of the Bombay Council know better than myself what contribution the Sind Muslim block makes to the Bombay Council.

166. I want to know whether you think there will be sufficient work for the legislative council of the province?—It depends on the men who enter the council and I think there will not be sufficient men who have either the will or the ability to do the work.

167. You are opposed to the separation because Sind people are not competent to do the business?—Because Sind is likely to return people who know nothing and who are too mediaeval in outlook to run a modern administration.

168. You know that even before the Reforms Sind was a deficit province?—Right up from 1843.

169. You think that in view of the present financial position Sind, if constituted into a separate province, will not stand on its own legs financially at least for a generation or more?—Yes.

170. Supposing Sind is made a separate province, do the Hindus feel that their interests will not be safe in the hands of the Muslims?—It is not a case of Hindus feeling safe under Muslims as Muslims. Our interests were quite safe in the hands of the late Mr. G. M. Bhurgri. It will be a case of the advanced community falling under the control of people who

are backward and who are still living in mediaeval times.

171. As the Muslims are in a majority and as they are incompetent you fear that the interests of the Hindus will not be safe in the hands of the Muslims?—I cannot make such a statement about Muslims in general. All that I can say is that the class of Muslim zamindars who are likely to form the majority in a Sind council cannot safely be entrusted with the control over the destinies of an enterprising, progressive and advanced community like the Hindu minority in Sind.

172. *Raja Nawab Ali Khan*: In reply to the Chairman you have stated that you oppose the creation of Sind as a separate province from the point of view of the welfare of the people in Sind?—Yes.

173. I want to know who is the best judge of the welfare of the people, you or the people themselves?—The people must have a self before they know what their real interests are.

174. You mean that they do not understand what they demand?—There are human beings in that category.

175. But is it not a fact that the Muslims in Sind demand separation?—What do you mean by that? Have they gone to the voters and asked them as to their willingness to pay for the additional expenditure?

176. The great majority of the people are in favour?—We deny it.

177. You do not agree with that?—I do not agree that they have understood anything of the business. If we were to tell the people that they will have to tax themselves further, I am sure they will oppose the proposal.

178. That question was put yesterday to the Muslim deputation and they said that they were prepared to be taxed?—We do not know what their authority is for saying that. Let them take a referendum and ask the voters as to their willingness to bear more taxation on land.

179. If it is found that the great majority of the people are prepared to agree to the separation, then will you have any objection?—I shall still oppose it because I feel that it will not conduce to the welfare of Sind as a whole. I am not prepared to admit that the common people know what the consequences of the separation will be. If somebody is going to appeal to the communal sentiment of the Muslim saying that they will get Muslim Raj and so on, they may be prepared to agree. But if the real facts are put before them, if they are explained what the consequences of the separation will be and if the whole scheme of separation in all its financial and administrative aspects is placed before them then they will oppose the separation. The Muslims of Sind are not yet in a position to understand all that.

180. You say on page 232 that "no redistribution of any province should be allowed without the consent of a substantial proportion of at least the two major communities." What do you mean by "the two major communities"?—The Hindus and the Muslims here.

181. You are only 26 per cent. and you want to hold up the 74 per cent. of the population from carrying out what they want?—We are not holding up the progress of anyone. I might as well take the population of the Bombay Presidency as a whole and say that 24 lakhs of Sind Muslims are holding up the whole of the Presidency. The Hindus are in the majority in the Bombay Presidency and this majority is certainly entitled to say "we won't allow a portion of a majority to be converted into a minority without their free consent."

182. *Dr. Suhrawardy*: One of your objections to the separation of Sind from Bombay proper is the smallness of the size of Sind. May I know if Sind is smaller than the province of Delhi?—Delhi is a province only in name; it is not a reformed province; it is only an administration directly under the Government of India.

183. Supposing Sind is separated and created an administration like Delhi with a university of its own just as Delhi has a university of its own of which you are the professor, would you still have any objection?—Yes; as I stated before the Hartog Committee education in Delhi is suffering because of the smallness of the Delhi province. That is my complaint against the present arrangement.

184. As regards the financial difficulty, supposing the Central Government provides funds which are now being provided by the Government of Bombay for Sind, would you still have any objection?—I consider, constitutionally speaking, that it is a fantastic proposition, because no Government is going to provide funds without having the power to control expenditure.

185. But supposing they provide funds, however fantastic the proposition might be, just as the system of communal electorate is also considered to be fantastic, then what is your view?—I am also a taxpayer of the Government of India and as such I must object to it. Though I belong to Sind I pay income tax and customs duty and as a taxpayer of the Government of India I have also a voice there. Why should they take a course that is bound to lead to irresponsibility and extravagance?

186. Why are they pouring money into Sind? What advantage do they derive? You yourself stated that there has been a deficit. Are you so fond of Bombay that you will not on any account like the idea of separation from Bombay or have you got any other reason?—It is not a question of fondness, it is a question of public welfare.

187. Supposing the Government of India were to find funds?—Even then there are other objections, e.g., political; and moreover I object to it as a taxpayer of the Government of India.

188. One of the grounds for your opposition to the separation of Sind, if I understand you aright, is that it will result in the domination of people living in mediæval times over advanced people. Do I understand you to say that the Muslims are people who live in mediæval times?—Most of them do so in Sind.

189. *Dr. Suhrawardy*: Have you such a thing as the caste system among the Hindus?—Practically none in Sind.

*Dr. Suhrawardy*: I am very glad to hear that you have got over this mediæval institution.

190. *Sir Hari Singh Gour*: May I ask you one question? Have you any objection to amalgamation with your neighbouring province of Punjab?—That is entirely a different proposition. It is certainly not open to the same objections as an autonomous province of Sind.

191. You have not considered that?—It was considered some time ago, and both Hindus and Mahomedans were opposed to it mainly on two grounds. Firstly, the general feeling was that the Punjabi would oust out the Sindhi from the economic life of the province. And the second reason was that the Punjabi would always have more influence with the Punjab Government, and since irrigation would have to depend on the control of a Government situated at Lahore, the administration would not be fair to Sind so far as the distribution of water from the Indus was concerned. It was far better to continue to be attached to the Bombay Government, which is strong enough to fight for our interests against the Punjab, in the matter of any big irrigation project, dependent on the river Indus.

192. *Chairman*: The impression that we received recently from a Mahomedan deputation was that though they expressed a strong wish that Sind should be separated from Bombay, still they did not at all wish to be joined with Punjab?—That is exactly what I say.

193. I gather that you would agree that association with Punjab would not suit Sind?—We agree that association with the Punjab is not desirable. But at the same time we consider it less objectionable than the separation of Sind.

194. *Sardar Shivdev Singh Uberoi*: One of the grounds mentioned by your Association is about the backwardness of the Mussalman community in the matter of education compared with Baluchistan and other places. Would you give us some figures illustrating that point?—I have given it in one of my pamphlets at page 36—Sind Mussalmans only 37 per mille; Baluchistan 47; North-West Frontier Province 50; Bombay Presidency, including Sind, 95; India as a whole 82; Hindus of Sind 266.

195. How does it compare between the two communities—Mahomedans and Hindus?—There is a great difference in education between the two, the literacy figure being 37 in the one case and 266 in the other.

196. Have you formed any opinion about the political effect of the separation of Sind?—Yes. The first thing I feel is that separation would mean that the entire power would be in the hands of a small oligarchy of big Muslim zamindars. As I have already pointed out, most of the people are landless labourers. They cannot have any influence and the entire council would be dominated by the big zamindari element, which would take care of its own interests only and nothing else. That is one. The second of course is a more general consideration. We are so near the border, and even now there is so much of migration into the Upper Sind Frontier district. In fact Sind has taken upon itself the function of civilising the border tribes of India. We are having, as it were, a constant stream of people from across the border and the consequence of separation would be, I fear, that on some side, especially the frontier side, more of those border influences than Indian influences would prevail, and I do not look upon it, from a national point of view, as at all desirable.

197. *Sir Zulfiqar Ali Khan*: Would you tell me please whether you demanded the separation of Sind on the occasion of the Montagu-Chelmsford reforms?—No. Not only we did not do it, but the Mahomedan leader, Mr. Bhurgri, did not do it.

198. But what about yourself?—We have never demanded separation of Sind.

199. Professor, with regard to the problem of separation you know that the most paramount consideration is one of finance. You know also that in the Punjab one district, that is the Rajpuri district, alone brings in a crore of rupees. Do you not think that the new scheme, viz., the Sukkur Barrage, by which it is intended to irrigate such a vast area will bring in an enormous amount of money sufficient enough to carry on the administration?—I cannot prophesy what will happen thirty years hence. It all depends on the energy and the enterprise of the people and the quality of administration during the interval.

200. Do you not think it is likely?—Not as the Sindhi hari is at present. He will have to change his ways.

201. You fear he will not?—My hopes in him may not be realised rather.

202. You know, professor, that Travancore, a native State, with an expenditure of 205 lakhs carries on a very efficient administration?—I have not been to Travancore. I doubt if it is better than British administration.

203. You also do not know perhaps that Gwalior with 140 lakhs carries on an efficient administration?—I do not think that Gwalior depends entirely on irrigation.

204. You are sure of it?—Facts speak for themselves.

205. *Syed Miran Muhammad Shah*: At page 228 of the first part of your Memorandum you say that the Mussalmans in certain places are "enjoying as a minority a share of the posts in the public services, much in excess of their population ratio." I only want to have just a rough idea as to whether your community in Sind has not an excess of the population ratio in services?—But it has more than a population

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[Continued.]

ratio of graduates. I have not got the figures here, but if you want I shall get them for you.

206. I want to know if you believe in an efficient and strong administration, or a just and sympathetic administration?—I do not believe there is necessarily a choice between two evils. You can have a strong, efficient and at the same time, sympathetic administration.

207. *Chairman*: I want to ask you, professor, as an authority on public economics, one or two questions which have to do with the economic aspect of the separation of Sind. Do you recognise in dealing with the subject of public debt that there is a distinction between the debt that a State may incur which has no present assets to represent it, for example, the debt due to a great war, and the sort of debt that may have to be incurred for the purpose of providing itself with an asset?—Yes; that is, of course, very important.

208. So that before we can consider the possibility of separation and the question of what we have to do with the debt which is partly associated with that idea, it is, is it not, important to ask the question, "Is not the debt represented by assets which will be held by the new Government which takes over the debt?" You agree, I am sure, that in the science of public economics it is an important distinction?—Yes.

209. If you have to take over the burden of the national debt due to past wars, you have nothing in the form of visible assets to represent it. But, if you take over the debt due to existing public works, you may have an asset which has been bought by expending the money. You agree so far?—Yes.

210. I take it that on the subject of taking over the sort of debt which is associated with the Sukkur Barrage it would be fair to say that it rather is of the class of a debt incurred for the purpose of providing a great asset?—Quite, but an asset which has not necessarily to be valued at the estimated cost.

211. I quite agree with you. So far so good. Now comes the question as to whether or not if you take over the debt and take over the asset, the asset will really be in the hands of the new Government adequate to meet the debt. It does not follow, of course, that it will be adequate merely because an immense sum of money has been spent with a determination to repay the money that has been borrowed. Is that not so?—Yes.

212. You can tell me from a study of the various projects in different parts of the world whether there are any big irrigation schemes which in fact have not paid their way?—As a matter of fact, I think the Sukkur Barrage is easily the biggest scheme.

213. Are there cases in other parts of the world which, as a matter of fact, have not produced a sufficient return?—Within what period of time?

214. Would you draw a distinction between contemplating taking over this asset just when the construction work is finished and the possibility of taking it over after it has been proved to be a real revenue bearing asset?—Yes.

215. I am merely trying to get your help as an authority on public economics. It seems to me that it is one thing to contemplate taking over such a thing just when it is being built, and quite another thing to contemplate the possibility of taking it over in thorough working order when it has been proved to be a revenue-bearing source?—Yes, sir; this is quite true.

216. Do you believe that if a thing like the Sukkur Barrage is going to be a big source of revenue, it will be necessary not only for the engineers to construct it well, but also for the administration to administer the water and to sell the land at a proper value?—Quite right; that is what I myself emphasised.

217. Do you think that the Government of India, if it were going to contemplate this separation, would be likely to consider whether such subjects as Land Revenue and Irrigation in Sind could be made purely transferred subjects?—I do not think so far as

irrigation is concerned it would agree to make it a transferred subject.

218. After all it is the Government of India that is answerable for repaying the money?—Quite.

219. People who lend the money are entitled to look to the borrower, and the borrower cannot merely say that he has handed over the assets to somebody else. So that the Government of India will remain answerable for the money?—Quite.

220. I have no information at all on the subject, but it occurs to me that it is a very serious thing in Sind to consider whether it is likely that this immense asset could be handed over which has been built out of money borrowed by the Government of India unless the Government of India retained control over the revenue from irrigation?—That is so.

221. We do not have the advantage of any analogous case for guidance. You will tell me if you know of any, but I should think that from the point of view of public economics that is the sort of analysis that perhaps we ought to bear in mind?—Certainly.

222. *Chairman*: We are much obliged to you, professor, and you, gentlemen of the Association, for your evidence. You have touched on most controversial topics on which there is the sharpest difference of opinion, or rather I would say the sharpest difference of inclination. No doubt there is a very large body of opinion here which, right or wrong, declares itself in favour of the change. We are much obliged to you, sir, and we quite realise that these are some of the difficulties which you, whatever community you may belong to, have to get face.

\* \* \* \* \*

#### Appendix (vide Q. 11, p. 238).

Copy of letter dated, Hyderabad, Sind, the 18th November, 1928, from Prof. H. L. CHADLANI, M.A. (Spokesman), Sind Hindu Association Deputation, Karachi, to the Chairman, Indian Statutory Commission.

As desired by you, I beg to send herewith a copy of the statement showing the number of the Muslim and non-Muslim voters for the Bombay Legislative Council election in the municipal and district local board areas in Sind, supplied by the Honourable Mr. J. E. B. Hotson to the Bombay Legislative Council on the 11th October, 1927 (vide pp. 631-632 Bombay Legislative Council Debates, Vol. XXI).

It will be seen that the total number of Muslim voters is 60,838 and not 59,000 as you have been led to believe.

A detailed examination of these figures shows clearly how erroneous is the impression sought to be produced on your mind that Muslims are likely to lose heavily in elections under a system of joint electorates. If the City of Karachi is excluded, the total number of Muslim voters in the rest of Sind is 52,508 against 49,030 non-Muslim voters, giving the Muslims a clear majority. The Sind Hindu Association has claimed a seat each for the City of Hyderabad and Shikarpur, and Karachi is already a separate constituency both for Muslims and non-Muslims. At any rate, this is bound to be the case under joint electorates in view of the total number of voters in these cities. If the City of Karachi be given three seats, the number of Muslim voters is sufficiently large to return one member under the system of a single transferable vote. Excluding the City of Hyderabad, the total number of Muslim voters in the district of Hyderabad is 7,919 against 3,059 non-Muslim voters. Excluding the City of Karachi, the district of Karachi will have 4,030 Muslim voters against 1,814 non-Muslim voters. Excluding the City of Shikarpur, there are in the district of Sukkur 6,897 Muslim voters and 6,919 non-Muslim voters, giving the Muslims practically an equal chance of success in a contested election. The district of Nawabshah has 6,517 Muslim voters and 5,442 non-Muslim voters, giving an appreciable advantage to Muslims. In the district of Larkana, there are only 6,329 non-Muslim voters against 10,601 Muslim

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[Continued.]

voters—a preponderating majority for Muslims. In the Thar and Parkar district, there are 4,475 Muslim voters against only 2,834 non-Muslim voters; while the Upper Sind Frontier district has 3,988 Muslim voters against 1,717 non-Muslim voters. It is clear that these detailed figures for each constituency effectively dispose of the superficial view based on the totals for the whole of Sind without reference to each constituency separately.

*Statement showing the number of Muslim and non-Muslim voters for the Bombay Legislative Council elections in the Municipal and District Local Board areas in Sind. (Vide Council Proceedings, 11.10.27, pp. 631-32.)*

Name of Municipal Area.	No. of Voters.		Name of District Local Board Area.	No. of Voters.	
	Muslim.	Non-Muslim.		Muslim.	Non-Muslim.
Hyderabad	5,566	12,454	Hyderabad District	6,755	1,650
Hala ...	268	326			
Matlari ...	373	289			
Tando					
Allahyar	144	301			
Nasarpur ...	254	163			
Tando					
Muhammad Khan ...	125	330			
Karachi			Karachi District	3,710	847
City ...	8,330	18,057			
Tatta ...	173	451			
Kotri ...	118	376			
Manjhand...	13	80			
Keti					
Bunder ...	10	60			

Name of Municipal Area.	No. of Voters.		Name of District Local Board Area.	No. of Voters.	
	Muslim.	Non-Muslim.		Muslim.	Non-Muslim.
Larkana ...	754	1,505	Larkana District	9,080	3,373
Kambar ...	281	467			
Ratodero ...	288	541			
Sehwan ...	81	226			
Bubak ...	117	157			
Sukkur ...	808	3,228	Suldkur District	5,542	2,216
Shikarpur...	2,515	8,462			
Garhi Yasin	68	337			
Rohri ...	302	908			
Ghotki ...	87	230			
Mirpurkhas	205	844	Thar Parkar District	4,143	1,618
Umarkote...	67	372			
Tando Adam	116	1,384	Nawabshah District	6,192	3,400
Shahdadpur	209	658			
Jacobabad	471	1,058	Upper Sind Frontier District	3,517	659
Total ...	21,899	53,324		38,939	13,763
Total Muslims ...					60,838
Total non-Muslims ...					67,087

## Memorandum submitted by the Khans of the NORTH-WEST FRONTIER PROVINCE.

We, the representatives of the aristocracy, and of the rural population of the North-West Frontier Province, respectfully submit the following proposals for the extension of constitutional reforms into our Province, and hope that our views will meet with your approbation.

1. We earnestly request you to help us in obtaining full reforms that may be sanctioned, as a result of your deliberations, for India, and in this respect we feel confident that our request will receive your support.

2. We beg to lay stress on the fact that the reforms which may be conceded to our Province, will contain all the progressive elements similar to those that are conferred on the other Provinces of India, viz. :—

A full Provincial Council in accordance with the approved scheme of reforms should be established, endowed with full power to pass laws and regulations for the benefit of the Province, and to exercise all other powers and functions with which the Council can be invested, according to law.

3. We, however, realize that the condition of our Province is not, in all respects, similar to the conditions of the other Provinces of India, and on that account the constitution and expense of the Council, as well as the creation of new appointments that are a necessary concomitant of the reforms, will require modification, so that they may fully conform with the local circumstances.

4. In this connection we will, with your permission, briefly describe some of the factors which in our opinion afford cogent reasons in favour of the proposal in para. No. 3.

This Province consists of only five settled districts, is small and though the population is homogeneous, its financial resources are very limited. The contiguity of the Province with Independent Territory and Afghanistan, the free intercourse between the people on both sides of the Border line, the similarity of their ideals, customs, and mode of life, and specially their descent from the common stock, strongly distinguish the people of our Province from those of the rest of India. We, therefore, feel that sudden and violent changes in the administrative machinery of the Province will be productive of serious harm. We are, however, sanguine that the proposals, which we are submitting below for your consideration, if accepted, will be consistent with the introduction of reforms, and will also contribute to their successful working.

5. We beg to propose that the Council should compose of two-thirds nominated members and one-third elected members.

6. The Khans of the Province have throughout the British Rule been associated with Government officers in the work of administration. They are the natural leaders of the people by whom they are recognized as such; they settle their private disputes out of court; ameliorate their troubles and difficulties and they treat them like their children. The sudden introduction into the Province of an elective system for filling the seats in the Council will, in our opinion, disorganize relations of trust and confidence between the Khans, and the people, and will also lead to discord. We have, therefore, proposed the constitution of the Council in the above-mentioned manner so as to preserve the influence of the Khans who, according to their merit, will be largely nominated by the Head of the administration, and their majority will be thus assured. The elective system will also be cautiously introduced into the Council, and in that way the demand of the middle classes for reforms will also be met.

7. We beg to append a separate note to this representation about the services of the Khans, and we feel sure that the cause of good administration will not suffer by their being nominated to the majority seats in the Council.

8. We hope that four seats will be reserved for our Province in the Legislative Assembly and three in the Council of State, when the new scheme of reforms is inaugurated.

9. We are prepared to concede special concessions to our Hindu brethren in proportion of those conceded to Mussalmans by Hindus in Provinces in which the Mussalmans are in the minority.

10. It will not be out of place to direct your attention to the important position which this Province holds on the North-West border of India. From times immemorial India has been invaded from this corner, but that danger has been eliminated by the sturdy martial races who stand as vigilant sentinels for the safety of this sub-continent. They supplement by their willing services the British Military power and we feel sure that the peace of India has been fully assured. We hope that India will recognize our willing services in the same manner as the British Government have always been doing.

11. In the end, we hope that as the notables of the Province on account of their lavish hospitality towards the trans-border tribes incur large expenses, they will not be deprived permanently of the grants of Government land which they have been previously receiving.

## Memorandum of the Services of the CHIEFS OF FRONTIER.

It will be fully established that according to the old system in this province, the Afghan tribes look upon their Chiefs with the same amount of respect and confidence which is prevalent among the nationals of the Independent adjacent territory. The Khans of this Province are ever ready to serve the Government to the best of their ability on each and every occasion of emergency. The people also follow their national leaders without any objection or demur and willingly join Military Operations for the service of the Government, when occasion arises. For instance, in the year 1848 the Sikhs surrounded and besieged Sir John Lawrence in Rang Mahalat, Peshawar. The Khans came with an army of their followers to his help and extricated him from that difficult position. This fact can be elicited from Government Records. In that occasion the Sikhs suffered severe losses. In those days the Chiefs of the Province were ever ready to serve the officers of the British Government, even in opposition to the Durani Chiefs of the time. Those were delicate times

for the Government of India, but the Khans of the Province by their loyal services saved the situation. It may be said with justice that it was as a result of the services of the Frontier Chiefs that the dignity and might of the British Government remained inviolable during these troublous times in the Punjab and other parts of India. In the first Afghan War of 1841, in the second war of 1878, and also in the third Afghan War in 1919 the Chiefs served the Government zealously and loyally. The services of the Khans of the Frontier in the Mutiny of 1857 were a determining factor in the destruction of the rebel army. The Khans of the Frontier have always been prominent in preserving peace on the Border and saving the countryside from the raiders of the trans-border tribes. In the Great War the services of the Frontier Chiefs were unrivalled in India. All the Chiefs vied with each other to serve Government to the best of their ability, even at the sacrifice of their family members, their property and their own safety.

## PESHAWAR.

Dated 19th November, 1928.

## MORNING.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI FREMCHAND), MAJOR NAWAB AHMED NAWAZ KHAN, THE HON. MAJOR NAWAB MAHOMAD AKRAR KHAN, NAWAB SIR SAHIBZADA ABDUL QAIYUM, RAI BAHADUR KARAM CHAND.

## KHANS' DEPUTATION.

The Deputation consisted of :—

1. Khan Bahadur Abdul Ghafur Khan, Khan of Zaida (Spokesman).
2. Nawab Dost Muhammad Khan, O.B.E., of Taikal.
3. Nawab Habibullah Khan of Dora Ismail Khan.
4. Nawab Allahadad Khan of Dora Ismail Khan.
5. Khan Baz Muhammad Khan of Teri.
6. Nawab Muhammad Zaffar Khan of Walai.
7. Raja Haidar Zaman Khan of Khanpur.
8. Khan Bahadur Khair Muhammad Khan, Bannu.
9. Khan Bahadur Sher Ali Khan of Takhtikel.

10. Khan Sahib Muhammad Khan of Ghoriwala.
11. Khan Bahadur Arbab Mir Ahmad Khan, M.B.E., of Landi.
12. Khan Bahadur Arbab Muhammad Akram Khan of Landi.
13. Captain Hisamuddin Khan, C.I.E.
14. Khan Bahadur Sarfaraz Khan of Chamkani.
15. Khan Bahadur Muhammad Zaman Khan of Akora.
16. Khan Bahadur Mian Musharraf Shah, Nowshera.
17. Khan Sahib Sarfaraz Khan of Mardan.
18. Arbab Tohmas Khan of Taikal.
19. Nawab Habibullah Khan of Toru.

1. *Chairman* : Khan Bahadur, you are going to be good enough to act as spokesman?—*Khan Bahadur Abdul Ghafur Khan* : Yes.

2. Would you like in the first instance to address us?—Yes.

The witness thereupon read the Memorandum submitted by the Khans' Deputation, with the Memorandum of the Services of the Chiefs of the Frontier attached thereto (see page 248).

3. *Sir Abdul Qaiyum* : May we hear the signatures read out?

*Chairman* : Yes. (To the witness) : Will you be good enough to read out the names?

*The Witness* read out the signatures.

*Nawab Mahomed Akbar Khan* : It is from all the other Khans also.

4. *Chairman* : You read out the signatures?—Yes.

5. Is it within your knowledge that the contents of this document—the substance of it—are approved by other Khans besides?—This representation was prepared in consultation with the majority of Khans here, after a long deliberation lasting for two days and portions of two nights. After that we came to certain conclusions which are contained in this document. Then I drafted it in English. After that I explained it word for word and translated it into Urdu. Every gentleman here knows exactly every word of the contents of this document, and they approve of it.

*Sir Abdul Qaiyum* : I should like to know if the signatories are the same as those who are here before

us in this deputation and whose names are given in the list, or if there are any absent, and if so, why they are absent, and if there are any new names among the signatories who are not down on the list.

*Chairman* : What I suggest we might do is this. Mr. Gidney would perhaps be kind enough to have a list made of the gentlemen who are here, and another list prepared of those who have signed this document.

*Sir Abdul Qaiyum* : Yes, showing which names are missing and which have been added.

*Chairman* : I follow that. Those two lists will help us to see.

*Nawab Mahomed Akbar Khan* : This is given as their unanimous opinion. Only a few have come and attended here, but the rest hold the same opinion.

6. *Chairman* : I am not disputing it at all; I am merely asking for those two lists to be made, and then they will be available later on. I understand the Khan Bahadur says that the document was drawn up as the result of a consultation with a large body of Khans, that you spent two days on it and, I think, part of two nights, that it was translated into Urdu and that the recommendations are therefore recommendations coming from a very representative body.

Later on, if anyone wants to ask a question they can do so, but I should like first of all to put a question or two myself. I should like to ask you this first of all. Your proposal is to have a council one-third of which would be elected. Have you formed any view (either as a deputation, or personally) as to what the franchise should be?—The question of the franchise has not been discussed, because according to the previous procedure a separate committee was



19 November, 1928.]

KHANS' DEPUTATION.

[Continued.]

appointed to settle the question of franchise in India, and I thought it quite possible that a similar committee would be appointed on this occasion and, taking into consideration the condition of our own province, that committee would settle the question of franchise.

7. Very well. It is enough for the purpose of the moment to know that the question of what the franchise should be is not a question that the Khans for whom you are speaking have specially considered at this stage?—Quite so.

8. At present in the North-West Frontier Province are there any examples of bodies which are elected by ballot?—I belong to a rural area. I am not aware of it.

9. For instance, am I right in thinking that the municipality of Peshawar is a nominated and not an elected body at present?—I know the district board is nominated.

*Rai Bahadur Karam Chand*: The members of the municipalities and district boards throughout this province are nominated.

10. *Chairman*: I thought so. The introduction of the method of election would therefore bring in a change in this province?—Yes, exactly.

11. Another thing I should like to know is this. You suggest two-thirds of this council should be nominated. Who would nominate them?—The head of the province.

12. The Chief Commissioner?—The Chief Commissioner, though by that time he might be designated the Governor.

13. At any rate, the head of the province?—Yes.

14. Is it your idea that he would nominate afresh for each council, or would he nominate so that once he had chosen a man that man would continue to be a member?—As a rule, nomination to these seats continues for the lifetime of the council, and these nominations should, I think, continue to that extent.

15. *Sir Abdul Qaiyum*: Would they be hereditary?—No. I said for the lifetime of the council.

16. *Chairman*: I think the Khan Bahadur means there would be fresh nominations whenever there was an election?—Yes.

*A member of the Deputation spoke in Urdu.*

*Sir Abdul Qaiyum*: He says that after three years they should be changed.

17. *Chairman*: I should like to ask a question about elections. You know that in some parts of India there are separate constituencies for separate communities?—Yes.

18. In other places the plan of a joint electorate, where Hindus and Mahomedans vote together, may be found. Have the Khans come to a clear view as to whether the elections should be with separate electorates or with joint electorates?—The Hindu population in this province is so infinitesimally small that even if the system of joint electorates were to be the system applied throughout the province, it would not affect the Mahomedan population. In my view it would be better if the Hindus were given separate electorates for themselves.

19. *Chairman*: The Hindus and the Sikhs together form, I think, 7 per cent. of the population?—*Nawab Mahomed Akbar Khan*?—Yes.

*Witness*: The majority of the Hindu gentlemen who would be eligible for election to the councils or who would be qualified to sit in the legislative council live in the cities, and in some places there they may even be in a majority, so they would not be affected by the large population of Mahomedans in this province.

20. *Chairman*: It comes to this, that you think on your scheme the Hindus should have a separate electorate?—Quite so.

21. *Sir Arthur Froom*: In connection with this very interesting document which you have just read, may I ask whether it is the general opinion of the Khans that it would be better for matters to remain as they are? Has this proposal been put before us as what you wish for in the event of some reforms

being given? Do I make myself clear?—Yes, I understand.

22. I suggest there are two sides to the picture. One is that things should remain as they are. Do you think that would be a satisfactory arrangement, or is this put forward to us as your considered opinion if there are reforms given?—You are asking me my opinion, are you not?

23. Might we have your personal opinion, and also the opinion of the other members of the deputation?—I will give you my personal opinion. The world is moving ahead, our own world of India is also moving quite progressively. The Reforms are a step in the direction of enabling the people of the country to have a fairly large share in the administration of their own affairs. Therefore, on that account, irrespective of the fact that we have great confidence in our European officers and in the Government, we still think that we should have a share of all those Reforms which had been introduced before, but from which, somehow or other, we have not yet been benefited, and therefore we want the Reforms. I am not implying any reflection on the administration in any shape or form, but I simply mention that there is a larger consensus of opinion in asking for the introduction of these Reforms, and that is also my personal view as well of the Khans.

24. Supposing it were possible that no further Reforms were given anywhere in India, would you be satisfied with things as they are in this province?—Change is in the nature of the world, and in the nature of human beings. We shall still persist in the improvement of our administration whether it is in the hands of the Central Government who directly manage it, or whether some element of making it more popular is introduced by the inauguration of a Council of persons fit to be entrusted with the management of their own affairs. We therefore urge that this province also, should have a share of the reforms.

25. I am asking this question because I have read some other memorandum which has been put before us from some of the Khan Salibs in which it is suggested that the province is not in a position to welcome new Reforms. This document which you have read to us would perhaps rescind the previous memoranda. It is a further considered opinion, is it?—Our humble representation to the Joint Conference contains all the elements which, in our humble opinion, will to a certain extent reconcile all views that are held here, and it is with some difficulty that we have managed to bring forward a certain formula before this honourable Commission so that they may consider our peculiar condition, and then also consider the feasibility of introducing suitable reforms into our province. The proportion of the nominated members which we have suggested is really due to the fact that we, by that method, meet all objections. We also see the financial difficulty, and it is on that account that we have also considered that aspect of the case. We know that our memorandum is not a very long one; and it is not a very argumentative one, but I think in a concise manner we have put forward our case to the best of our ability.

26. *Raja Nawab Ali Khan*: Hindus and Sikhs are very few in this province?—4 per cent. only.

27. Therefore you advise separate electorates for them, because you want to be fair to them?—Exactly, in fact, we have indicated that we are quite willing to extend the hand of friendship to the Hindu element.

28. But if they want joint electorates you will not have any objection?—No.

29. You propose that the council should be composed of two-thirds nominated members and one-third elected members; is not that so?—Yes.

30. And you say later on that you propose the constitution of this council in the above-mentioned manner so as to preserve the influence of the Khans?—Yes.

31. You do not specify anything here in your paragraph 5. You say "members." They need not necessarily be Khans?—In this province it is the

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KHASI DEBATTING.

(Continued.)

another year, the heads of the locality, who must help the administration under the orders of the local authorities. Other people also to a certain extent are educated.

32. You believe that the great majority of the educated persons will be Khasis? Yes. On a small scale. We have already got a proportion to the total population of educated persons who may not be a really good class of Khasis, provided that opportunity is given. So far, the two-thirds and one-third proportion of Khasis in the local bodies are about equally divided. We do not pretend to say that. We only want to point out that the proportion of the majority of the Khasis in the present council is that they must be so, that is, a proportion that is better than the proportion of the majority of the Khasis in the present council.

33. The Sir Harn Singh says: You have said that the Hill Khasis are paying 2 per cent. With the Hills we are not.

34. Well, they pay a large proportion of the tax, supplement of the income tax? It is only 1 per cent.

35. They are educational, for an education of the children, but not of the parents, and in the towns. In the rural areas perhaps. It is only in the towns where they have the facilities for education, but not in the hills. The Khasis and the hill people, the majority of the people are taking advantage of education, even at a great expense. You are asking only a 2 per cent. tax, but the hill people are taking advantage of education. The question of this province is this: Is it fair? Out of that I am sure that each of them, whether the hill or the Khasis, is entitled to the same.

36. Chairman: It is not to this. The fact is quite plain, namely, from the figures I have looked at, that the majority of the Khasis in the province pay for the largest proportion of income tax. In the other half, it is equally clear that the Mahomedans of the province pay by far the largest proportion of land revenue.

Narrat Ahmed Nawaz Khan: That is right.

37. Sir Harn Singh Ghose: The next point is that you have said very rightly that with the spirit of reform, almost every province wants a proper share of the reform of the democratisation, the liberalisation of your province. Yes.

38. You say that the Khasis of the province have treated their people as their children. Now, at what educative value would this reform be to your children? By degrees they will be associated with us in the council, and by their progressive knowledge of the world and their patriotism and their friendly spirit of co-operation, which will develop even among the backward classes, they will be fit to be included in larger numbers in the council when the changes take place.

39. Will you give them a helping hand now?—We are giving them a helping hand.

40. In this way, I mean, that a proportion of the elected persons or the nominated persons should be drawn from the people, apart from the Khasis—from the peasants, from the tillers of the soil?—Pardon me, I do not understand you.

41. You said that you wished to treat the tenantry, the ryots, the tillers of the soil properly, and my point was that in this liberalising measure of reforms you would not give the tillers of the soil some share in the local councils for the better administration of the province?—When they are fit we will give them their share, of course.

42. But do you think they are fit or they are not fit at present?—They are not fit now.

43. How would you make them fit?—They are receiving education. Their resources are always limited. Their mode of life is different, their profession is different; they are tillers of the soil; they are working in the fields, and have no property. All these things combined keep them more or less in a low social standard. By degrees we are trying our

best to evolve the schemes for their education and for their intellectual knowledge, and I think by degrees they will also enable themselves to enter into more or less responsible positions, which the Khasis now, mainly hold.

44. How will you form the electorate of Khasis only? No, but that is a question which I have not considered. The question of franchise we have not decided.

Chairman: I think on this point it stands like this. This delegation is proposing that two-thirds of the council should be nominated, and it leaves in the hands of the head of the Government the nomination. It is a question of the head of the Government to determine to whom to exercise his judgment etc. These people are not dictators, and they tell Sir Harn Singh that quite freely that their own view is that the Khasis are the natural leaders of the people. That is what. The other point, I think, is this, on the subject of who should have the vote for the other third. I understand that the Khasi Mahomedans, on behalf of his delegation, "We have not gone into that, because just as I could not reach a committee, especially there would be a committee here too." That is really the answer.

Narrat Ahmed Nawaz Khan: Quite right.

45. Sir Harn Singh Ghose: A general question in the matter of elections. Would you allow your tenants to have a vote? Certainly, why not? It will be a question of things, such as property, a question of education, a question of service, a question of position in the army. All these things will be considered.

46. This is a good promise? There is a deficit here in this province which is made good by the Central Government? Yes.

47. Do you think the Khasis would be prepared to pay the additional taxes necessary to pay the expenses of the province? We want to ask for your cooperation in our petition. If you see the last paragraph of our Note you will find that we have put forward certain suggestions for your consideration. The people of the province are not rich, and the province is poor, we are already paying very heavy taxes, we cannot bear further financial burden. We expect financial help from the rest of India.

48. Chairman: It seems to me the position is this, one thing to you. There is no doubt, as Sir Harn Singh Ghose has pointed out, there is in this province an actual deficit. Many authorities think there would be a deficit even if you combined yourselves to the administered areas, and therefore the balance of money has to come from the Government of India?—Quite so.

49. Well, no doubt it is a difficulty, it is a complication—everyone will admit it—to set up an authority over finance if its own constituents do not provide the money. There is no doubt that it is a difficulty, but you think it is a difficulty which, on the whole, has to be put over?—We have made it very easy for this Commission to consider the question of finance. You will see we have been most willing to forego large expense—even the question of the expense of council has not been urged to a large extent in our memorandum and that expense we want to reduce, but one thing is very necessary, and it is this, that this province is so constituted that we naturally expect and hope that greater financial assistance will be given to us that we may be able to develop ourselves with the help of the Government of India. The province has been reduced to its present size not on account of our own representation or on account of anything that we wanted, but by a certain policy which the Government of India thought fit to adopt. We have not included in this memorandum any remarks as to how to remedy the question of the finances of the province, though we can easily suggest to you so many remedies—

Chairman: I think we had better not go into the details now, because my learned friend has brought out the point which you admit, that as things are there is a deficit.

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[Continued.]

51. *Sir Abdul Quaiyum* : May I say one word. I understand that as long as we pay our taxes, income tax or land revenue, at the same rate as the rest of India, it does not matter to us where the rest of the money comes from as long as we are part and parcel of India. If we pay these taxes at lower rates than the rest of India, then our taxes may be raised to that standard. Otherwise it is no concern of ours whether we are a self supporting or a deficit province. That is what I think the Khan says.

*Witness* : Only with a little difference. This province is, as I say, a sort of midway house between independent frontier territory and India. We are strenuously serving India in every possible manner. We are poor, our natural indigenous resources are not very flourishing, the province is small. With all those things, we naturally expect, and strongly hope, that the local income may be further supplemented, and more largely supplemented by the Government of India, than now.

52. *Sir Zulfiqar Ali Khan* : Will you please inform the Conference whether you have been agitating for these Reforms for a long time?—I think we have been agitating for a considerable time.

53. *Sardar Shirdav Singh Uberoi* : Three or four years, or five years?—Yes.

54. *Sir Zulfiqar Ali Khan* : You started agitating in 1927?—There was a deputation to the Chief Commissioner, Colonel Keene, on the subject of Reforms, and we strongly put forward the plea that full Reforms be granted to us. Subsequently, I think, some other gentlemen also presented applications for the extension of the Reforms. Verbal communications also went on between the Chief Commissioner and some other gentlemen here.

55. *Chairman* : I think we can save time. It comes to this, does it not? There is no doubt that the view you are presenting on behalf of the Khans to-day represents the result of a gradual advance of opinion. That is fair, is it not?—Yes.

*Chairman* : That is really all one needs to say.

56. *Sir Zulfiqar Ali Khan* : Do you think that the people of this province expected the Bray Committee to give you some measure of reforms?—Yes, I was myself examined as a witness by that Committee, and I strongly put forward the plea for reforms, and I believe other gentlemen who were examined also did so. The majority did so. I do not know about everyone, but I think most of them were asking for reforms.

57. In what year did that Committee function?—1922.

58. Do you think that your people feel disappointed on account of no satisfactory result having accrued from the investigations of the Bray Committee?—Yes. We have been always clamouring for reforms all along.

59. You feel disappointed?—Yes.

60. Could you please let me know whether the present agitation, and some kind of boycott, is due to disappointment?—I do not know.

61. With regard to the nomination question, you want two-thirds to be nominated by the head of the administration?—Yes.

62. Could you give me the approximate number of Khans of this province?—There are different degrees of Khans. You may take us to be over 200. I want to give the definition of Khan. Khan means independent chief.

63. *Sir Zulfiqar Ali Khan* : No. I mean what you would consider as belonging to your class?—We must have about two hundred families or more.

*Sir Zulfiqar Ali Khan* : Let us say approximately two hundred.

*Several Members of the Deputation* : Much more.

*The Witness* : Perhaps many more.

64. *Sir Zulfiqar Ali Khan* : Well, can you give me a rough idea. I do not want the exact number.

*Nawab Mahomed Akbar Khan* : The best thing would be to ask the Chief Commissioner.

*Chairman* : I have already asked for that information to be obtained.

*Witness* : I may be wrong. At any rate, it is quite a large number. My friends behind say there are many more than two hundred.

65. It really comes to this, I think. I have no doubt it will turn out that there are recognised and important khans running up, it may be, to the number of two hundred?—About that number, from whom capable men can be chosen.

66. *Chairman* : And probably there are others who are entitled to the designation who are not quite so important as the leaders. Is not that so?

*Nawab Ahmad Nawaz Khan* : Yes.

67. *Sir Zulfiqar Ali Khan* : (To the witness) : In your opinion, could a constituency of these two hundred be formed for the election of members of your class to the council?—That is not our idea. We want to liberalise the council; we want to include other gentlemen, on the basis of services rendered, qualifications, public-spiritedness and so on.

68. What I mean is this. You want two-thirds of the council for your class?—Yes.

*Nawab Mahomed Akbar Khan* : Not for our own class; for everybody.

69. *Chairman* : I think there is a little misunderstanding, *Sir Zulfiqar*. I understand this gentleman and the Khans to say they want two-thirds of the council to be nominated by the head of the Government. They are not insisting that every one of those shall be a Khan; they would leave it to the head of the Government to make what he thought to be a proper choice.

*Witness* : We simply want and hope to be assured of our majority.

70. I quite follow that?—There may be other people who may be nominated.

71. *Sir Zulfiqar Ali Khan* : If you want a majority in the council, and that is your sole idea, you do not care whether it comes by nomination or election?—I may again explain our position. The temperament and peculiarities of the people in this part of the country are such that if elections are suddenly introduced there is a chance of bloodshed, and so on, at the time of elections. We have tried by the method we now propose to ensure peace, for if discord or trouble results from a large number of elections, the council will suffer. We want to ensure its stability by having the larger number of seats reserved for the element which will be recognised as the leaders, by the common population, and thus the council will work satisfactorily.

72. Perhaps I have not been able to make myself clear. I want a very precise answer to this. Supposing the 30 or 40 gentlemen sitting here now were formed into a constituency, and you were required to elect four or five of this number, do you think if this method of election is introduced and you start electing your members from among the candidates there will be bloodshed among you?—There will be less chance.

*Several Members of the Deputation* : There will be no bloodshed.

*Nawab Mahomed Akbar Khan* : There will be no bloodshed, but there will be a tremendous lot of bad blood and bad feeling.

*Chairman* : I think the position has been made perfectly plain. It stands like this, I think. These gentlemen, *Sir Zulfiqar*, have put up a scheme. I do not think it is very much use arguing with them at length that we have a better scheme. I want to hear in terms the schemes of a series of delegations, and leave time for each. These gentlemen evidently take the view that it would be better to have the two-thirds nominated, and I am prepared to leave it at that, and accept that as their view.

*A Member of the Deputation* : There would be no bloodshed at all; I can answer for that.

73. *Sir Zulfiqar Ali Khan* : In the new scheme which you outline, do you think you would have Ministers?—You must have someone in a responsible position. The Bray Committee has made suggestions about that.

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[Continued.]

74. What is your idea about the Minister? Would you have him chosen out of your own body?—Certainly, we would like to have a Minister from among the Khans.

75. *Sir Zulfiqar Ali Khan*: Would you object if anybody from outside came in as Minister?

*Chairman*: I understand he would be selected by the head of the Government?—He would be selected by the head of the Government, but anybody else would not be a popular appointment, according to us.

76. *Sardar Shinder Singh Uberoi*: You have suggested a council two-thirds of the members of which should be nominated and one-third elected, but you have not said anything about the constitution of the local bodies, which are now entirely nominated bodies?—We have not considered the municipalities, but the district boards should be in the same proportion.

77. You want reformed representative government for this province?—Yes.

78. The foundation of reformed government is the management of the local bodies, and in provinces where reformed government has been introduced the local bodies were managed by members who were for the most part elected. Do not you consider it advisable that that experiment should be introduced first in this province, the local bodies being entirely elected, so that there may be some training in representative government first, after which you can go forward to the local council? In that way you will be able to train your people to manage their own affairs?—We have already had sufficient training in administrative matters. There is a large body of men who have been doing useful work, and there is no reason why these people and all the Khans who have been dealing with administration in different ways should not be entrusted with council work immediately, and so we demand the reforms immediately.

79. In paragraph 9 of your Memorandum you say: "We are prepared to concede special concessions to our Hindu brethren in proportion to those conceded to Mussalmans in provinces in which they are in a minority."—Yes, the same extent of seats.

80. May I know whether there are not Sikhs also holding very important positions?—We include the Sikhs among the Hindus. Here the Sikhs also belong to the trading classes. Five per cent. is the figure for both.

81. Is it 5 per cent. or 7 per cent.?—Five per cent. *Nawab Mahomed Akbar Khan*: Seven per cent.

*Sir Abdul Qaiyum*: It is 7 per cent. for all non-Mahomedans, not necessarily Sikhs and Hindus alone.

*Witness*: My information is that it is 5 per cent.

82. *Sardar Shinder Singh Uberoi*: In the Punjab the Sikhs are given separate representation in the council. Will not you extend that privilege to the Sikhs here? They are separate from the Hindus?—There are very few of them.

83. But they have separate interests, separate shrines, separate business, separate educational institutions; do not you think it would be unfair for a separate entity of the population like that not to be given separate representation?—I do not think so.

*Chairman*: We shall hear what the Sikh deputation thinks this afternoon.

*Sardar Shinder Singh Uberoi*: I want their opinion, because they are the majority community in this province.

84. *Chairman* (To the Witness): What do you think about that? The *Sardar Sahib* asks you for your personal view, or the view of your deputation, as to whether you think the Sikh community here, which is a small one, should have the privilege of separate representation?—I have replied that I think there is no necessity for it, on account of their small numbers; not for any other reason.

*Nawab Mahomed Akbar Khan*: It is for you (the Sikhs) and the Hindus to decide.

*A Member of the Deputation*: Yes; that is exactly our point.

85. *Dr. Suhrawardy*: You have just said you have no objection to the non-Mahomedan minority combined getting the same protection here as is accorded to Mahomedans elsewhere?—Yes.

86. Are you prepared to give the Hindus, Sikhs and other non-Muslim minorities combined the same protection which the Mahomedans in the Presidency of Madras, for example, are enjoying at present under the Montagu-Chelmsford reforms, or which they may enjoy?—I do not know what they are, but we are prepared to concede to them rights in the same proportion as Mahomedans receive in other provinces.

87. I may tell you that in Madras the Mahomedans form 6 per cent.?—What seats are they allowed?

88. More than their population basis?—Yes, we accept that basis.

89. Am I right in saying your deputation represents the conservative element in the country?—We are not divided politically according to English standards.

*A Member of the Deputation*: Yes, yes; we do.

90. *Dr. Suhrawardy*: Sir Arthur Froom has pointed out to you that in some of the memoranda some Khans express themselves as entirely against the introduction of reforms. Am I right in saying that not long ago some Khans, whose imagination was fired by the recent reforms in Afghanistan, demanded full-fledged reforms, or reforms on the lines of the Montagu-Chelmsford reforms, with an elected majority?—I do not know personally.

91. *Dr. Suhrawardy*: May I show you this letter to refresh your memory? (Document handed to Witness.)

*Chairman*: What is this letter?

*Dr. Suhrawardy*: It is a circular letter, dated 25th February, 1926, referring to a resolution passed at a meeting of the Khans at which the Khan Bahadur himself moved a resolution asking for full-fledged reforms.

*Witness*: You are speaking of the meeting of the 25th September?

92. No, the 25th February?—I was not there.

93. *Sir Abdul Qaiyum*: I think he refers to a meeting of all the Khans from which a deputation was sent to the Chief Commissioner, a deputation of which you (the witness) were the spokesman and which demanded certain reforms. Most of the gentlemen sitting behind you were signatories to that, and it asked for full-fledged reforms, with an elected majority?—I do not remember anything about a resolution in which the Khans conceded the desirability of introducing reforms into this province with an elected majority in the council. I do not remember any such resolution myself.

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[Continued.]

document?—I do not know what was the result of any previous consultations or deliberations, but when I came here we naturally discussed various aspects and eventually we came to this conclusion. I was not here before; I came here only on the evening of the 14th.

98. *Dr. Sahrawardy* : Did you consider the question of a second chamber in connection with this, a second chamber consisting of Khans, to be nominated?—No, we have not considered any such thing, because, you see, our province is so small that it would have been a preposterous proposal.

*Chairman* : I think we must take the spokesman. I was going to ask Nawab Nawaz Khan first of all if he wished to put any questions.

99. *Nawab Ahmad Nawaz Khan* : Only one, sir. I am not talking about the past; the past is past. If I understand rightly, you wish that the reforms should be in such a modified form as may suit both politically and financially the Khans as well as the local government. That is your chief desire?—No—also to satisfy the demands of the middle classes to a certain extent.

100. As the spokesman of the Khan class would you say it is the function of the Government to see that all other classes should be taken in, but you want reforms in a modified form suitable politically to the Government, and financially, too, and to your own class also?—Yes, and also to the people.

101. That is your chief desire?—Yes. We are the representatives of the people also.

102. Quite right; but you do not want the full-fledged reforms?—I do not understand full-fledged reforms. I think the Government of India Act covers our suggestions. They are absolutely according to law.

103. *Chairman* : I think it is clear, Nawab Sahib, that this particular document, which has been very carefully drawn up, is proposing a modified application.

*Witness* : We want to reconcile all sides.

104. *Nawab Mahomed Akbar Khan* : I should like to ask one or two short questions. Do you think that the younger generation of the aristocracy have received or are receiving liberal education?—Yes.

105. Also are facilities available for the education of children of the Khans in this province?—There are many educational institutions, but I personally would like a separate institution on the lines of a public school, for the education of the younger generation of the aristocracy.

106. You have had a long experience both of the Punjab and of the North-West Frontier Province. What is your experience of the work of the younger generation of the aristocracy, both in the Punjab and in this province, and how does it compare with the work of members of the middle classes?—I myself have had a number of young gentlemen from the upper classes, from the nobility, serving in the Punjab in the provincial services in various capacities, and so far as I could see, their work was quite good. Of course, there may be brilliant men among the other classes, but the former fairly compared with all. They were not inferior, so far as one could see. If anything, in certain administrative matters, they were usually more useful.

107. What I mean is this. When compared to the members of the middle classes, what were the feelings of the people over whom they were exercising their powers?—People having some hereditary claim to their position naturally are looked upon, irrespective of the democratic spirit, with greater respect than persons who may not have that claim.

108. And what is your experience, particularly in the North-West Frontier Province, about this question?—I think here we have got quite a good number of officers from the Khans' families, and they are doing fairly well, and in the King's Commission rank mostly. Of course, in the army, the members of the aristocracy have been taken in this province and have given satisfaction.

109. Those who are serving in the superior civil service, their reputation is good?—I have no doubt they would not be there unless they were men of character, integrity and ability.

110. What proportion of the superior services in this province would you like to be reserved for the members of the aristocracy of this province?—I would like half the posts in this province, in the superior services.

111. Whatever is thrown open for the Indians, you would like half of it for the aristocracy?—Yes.

112. Whatever is thrown open to Indians, you would like half of that to be reserved for the aristocracy?—Yes. In the Punjab the rule was that some posts were thrown open to competition, which meant that anybody could come and compete for those appointments. Here, if we have reserved two appointments for the upper classes and two for competition in that way, I think our purpose will be served fairly.

113. But you would like half, at any rate, of the posts thrown open to Indians reserved for the aristocracy?—Yes.

*Sir Abdul Qaiyum* : This matter is so important that it is practically a life and death question for the province. I will begin with a little explanation. The witness happens to be my class-fellow and my countryman, and so I have the privilege of putting a few simple questions to him, and I trust that he will not mind if I put them.

*Chairman* : Few and simple are most admirable words.

114. *Sir Abdul Qaiyum* : I see that you do not like to use the words "full-fledged," but in your Memorandum you speak of reforms to which other people are aspiring?—It means full-fledged. I quite accept the word full-fledged to be applied to our representations.

115. I am rather glad that we are on the same platform as far as the introduction of reforms in the North-West Frontier Province is concerned. We want these reforms?—Yes.

116. The second question, on which there is a difference of opinion, is as to how the council is to be constituted. You suggest two-thirds nominated and one-third elected, is that so?—Yes. It is not my personal opinion entirely. It is the opinion of all the gentlemen who are sitting behind me.

117. I am just coming to that point. You know that over since the Bray Committee Report there is this agitation and demand for reforms in this province?—Yes.

118. May I know whether you presided over a meeting held as late as the 25th September last, in which a resolution was passed asking for the so-called "full-fledged" reforms?—Yes.

119. Do I understand rightly that in that resolution no suggestion was made of two-thirds nomination?—Quite.

120. Do I understand rightly that as late as the 12th November, at a meeting of all parties of Muslims, the same demand was reiterated?—I do not know. I was not there.

121. I will read out the passage : "We repeat our emphatic request for all the reforms that are prevailing in other parts of India, and if by any reason we cannot get all those reforms as a separate unit, then we request that the five districts may be re-amalgamated with the Punjab, so that we may not be losing our rights in future and we shall give the Hindu and other non-Muslims minorities the same protection as is given elsewhere." Members of this deputation sitting behind you were there. What I should like to explain is that even up to the 13th there was no mention of nomination. The idea of nomination came between the 13th November and the 15th November, when the Khan Bahadur Sahib, the spokesman, gave the lead, and the idea sprang from some eight or ten persons and that their Memorandum had not seen the light of day up to the moment we came into this hall?—I protest against the last word.

19 November, 1928.]

KHANS' DEPUTATION.

[Continued.]

*Chairman* : Would you forgive me for one moment, because we want to keep order here. Everything that has passed this morning has been very helpful to us, and I am obliged to you, Nawab Akbar Khan, for mentioning what you have mentioned; but, after all, the important thing for all of us in a Conference of this sort is to try by co-operation and listening to what others say to arrive at the best course. I do not blame anybody because he changes somewhat his view. I shall change my own view a good many times before I come to the end of this Statutory Commission.

*Sir Abdul Qaiyum* : Quite.

122. *Chairman* : I think it is quite right to have the fact brought out, and it seems to be the fact that some of these distinguished gentlemen were not quite so clear as to their present view as no doubt they are to-day. It happens in all countries. People pass resolutions, you know, and then afterwards they consult together and they come to the conclusion that it would be better to express their view in a rather modified way; and so it is not a fair way to put it to say that the Khans, or many of them, have at one time made a very advanced demand, and they have passed resolutions even in this very month expressing it, but we should remember that what they are now suggesting through the mouth of this gentleman is a revised view. We have been told it is the result of a discussion, and we must not treat it as though it had been the fixed opinion of everybody for a very long time past. Does not that put it fairly?

(Several members of the deputation rose and expressed approval.)

*Witness* : Quite right, sir.

*Sir Abdul Qaiyum* : I could only expect this reply, i.e., that a man is changeable in his views and his ideas, even at the eleventh hour. I am quite satisfied, sir. I have no objection to that.

*Witness* : If you will ask your question I will answer it.

123. *Sir Abdul Qaiyum* : What is the underlying motive in suggesting this two-third nomination?—It is to ensure the majority of the Khans.

124. You have stated in your Memorandum that the Khans exercise almost life and death influence?—No; these are not my words.

125. If the Khans exercise considerable influence with their people, as stated in your Memorandum, why should you fear that the Khans will not be elected in a system of election or is your suggestion meant to strengthen the hands of the local administration?—I have not stated a word about influence in my Memorandum. I simply stated that they are the leaders of the people. You have got the Memorandum with you and you can see it.

*Sir Abdul Qaiyum* : It says that the Khans exercise great influence.

*Chairman* : Let me try and help you both. I think the position stands like this. The Memorandum speaks about the Khans, how the people follow their national leaders and so on. That means really that the Khans exercise leadership and I am sure they do. Then you put the question, Sir Abdul Qaiyum, very naturally. You ask if the Khans exercise such leadership on their followers is it really necessary to secure the Khans' position by nomination and whether they would not get their position secure even by election. People will have different opinions; but the opinion of this deputation is that that may be the system, but they still would prefer two-thirds nomination.

*Witness* : I also want to say one thing with your permission, sir. It has been stated that our Memorandum was finally settled this morning. I protest against it.

126. *Sir Abdul Qaiyum* : I said that it saw the light of day this morning, though it was settled on the 16th?—It was printed, published and shown to every one.

127. If the world had seen it the co-opted members would also have seen it?—I do not know if I have to

advertise by beat of drums that such and such a thing has been done. Everybody has signed it and everybody has seen it.

128. *Chairman* : I quite agree that it is not necessary that it should see the light of day at a particular moment but as a matter of fact this document has been prepared only quite recently?—It has been prepared after consultation with everybody concerned, and I simply drafted it.

129. As a matter of fact I never saw the document myself until I sat in the Chair this morning. So it is quite right to say that the actual document is only quite recently prepared?—It was written long before.

130. *Sir Abdul Qaiyum* : Then you propose a council of your own with powers of legislation for the North-West Frontier Province with a majority of two-thirds nominated members?—Yes.

131. May I know what is the underlying object of having this nomination instead of election?—I have given my reasons in the Memorandum. I may say that our object is to reconcile every interest in the province, and at the same time to preserve the influence of the Khans for which we want to be assured of a majority and we think we have a claim to it.

132. You think that if an elective system is introduced the Khans may lose their influence?—Yes, to a certain extent.

133. If they are the natural leaders and they possess great influence, may I know why they should lose influence when they are elected by their own constituency?—We do not want to introduce a system to which our people are not accustomed. We do not want that any uncertainty may happen.

134. You know we all have those Khanship. Were they elected or were they nominated by somebody?—I personally think that it is the prerogative of the Crown to select or nominate people to high positions. Our kings had always exercised autocratic powers in old times. I do not know the history of each and every family. But each of the members of the deputation here claims a descent from remote times.

135. So also the King or his representative has the power to create Khan Sahibs, Khan Bahadurs and Nawabs?—I have not said a word about that. I am talking only about the men for whom I am speaking here.

136. If people are made Nawabs, Khan Sahibs and Khan Bahadurs, do they come on the same level with the rest?—Yes, naturally.

137. Then you mean the list of Khan Sahibs and Khan Bahadurs, etc., is unlimited?—I do not know about that. All I say is that our position is hereditary and Government has recognised us so. As for the distinction you make, it may be of recent growth or otherwise. We do not in any way object to the position held by any gentleman or to the appointment of anybody to a high position by the Government. We are speaking here about our own selves.

138. I do not mean to criticise you. But what I was saying was that if these Khan Sahibs, Khan Bahadurs and others were included in the list of Khans, there would be no limit to it?—I do not know about that.

139. I have not got the answer to my question regarding nomination. Is your object not to impair the authority of the administration or not to impair the position of the Khans?—The object is what I have already stated.

140. Is your Memorandum the result of consultation among you at a meeting?—Yes.

141. *Chairman* : He said that they had a meeting for two days and they discussed it at that time.

Do you not think that it is on the whole fair that we must take it that this document does represent at present the views to which these gentlemen are committed; but it is open to the criticism—to which I am fully alive—that it has not been a long standing view and it has been the result of some change of opinion? Is not that fair?

19 November, 1928.]

KHANS' DEPUTATION.

[Continued.]

*Sir Abdul Qaiyum* : It is quite fair. But the point I was trying to bring out was that this represents the view of not more than eight or ten persons, that they were trying to get many signatures to the document, that they have failed to do so and that they have failed to get the signatures of even those whose names are given in the Memorandum.

*Witness* : I do not know anything about that. That is not correct.

*Nawab Mahomed Akbar Khan* : I may state that on the 19th of May there was a meeting held and it was then distinctly mentioned that two-thirds should be by nomination and one-third by election.

*Chairman* : I think we do not want to hear more about that. If there is anybody who wishes to let us have any further memorandum on the subject either explaining how the document came into existence or adding further signatures or contrasting

different resolutions, you may be quite certain that the Statutory Commission and our colleagues will be very glad to listen; but we will not spend any more time on this subject this morning. There is a Hindu deputation—which is a very important one—waiting and we must not keep them waiting too long.

*Sir Abdul Qaiyum* : I now simply want to say that all these posters, etc., which the Commission see are for the introduction of reforms in the province and I want to impress that there is no real boycott.

142. *Rai Bahadur Karam Chand* : How many Mahomedans belonging to the city signed this Memorandum?—Only Captain Hisamuddin Khan who belongs to our party and is the only representative of the Khans in Peshawar city.

143. Is he a Government official?—Yes, but as a Rais of Peshawar he signed the document.

### Memorandum submitted by the HINDU PARTY, North-West Frontier Province.

The case of the Hindus in the North-West Frontier Province is summarised below :—

#### RESOLUTION OF THE PROVINCIAL HINDU CONFERENCE.

1. The Resolution of the Provincial Hindu Conference, which was laid before the Sub-Committee of the Royal Commission, represents the view of the vast majority of the Hindu Community accurately. It ran as follows :—

“(a) The Reforms Scheme, in its entirety or otherwise, will neither be workable nor beneficial in the North-West Frontier Province, owing to the peculiar conditions, geographical, financial and political, obtaining in this Province, and that it is sure to be detrimental to good government and highly prejudicial to All-India interests;

“(b) The introduction of Election in the Local Bodies is not desirable in the interests of public tranquillity and communal harmony.”

The question of Provincial autonomy, with a grant of full-fledged reforms on population basis, and Special Electorates for different communities, is not acceptable to the Hindus. The Hindus in this Province are not wanting in a desire for political advancement along with the rest of India, but situated as they are, are opposed to reforms on communal basis or population strength. The former is the negation of nationalism for which they stand here as elsewhere, and the latter gives no real indication of the All-India or Provincial importance of the minorities.

#### THE MEMORANDUM.

2. Weighty reasons in support of the Hindu opposition to the introduction of constitutional changes would be found in the Memorandum submitted by Rai Bahadur Thakur Datta, Retired District Judge, the spokesman of the Hindu Deputation now before the Commission.

3. These may briefly be categorised as follows :—

(i) The reasons, which led Lord Curzon to separate the North-West Frontier Province from the Punjab, were purely strategic and political. His Lordship was of opinion that the Gateway of India should be controlled by the Central Government, and it has since been so controlled. These reasons, which led to the formation of a new Province, still hold good, and indeed, with greater force in view of the momentous changes taking place in its immediate vicinity.

(ii) The inseparability of the settled Districts from the unadministered Tracts, which are inhabited by wild, fanatic and warlike tribes with whom the Pathan population here have close ties of kinship and sympathy.

(iii) This province is a heavy deficit province, its revenues are supplemented by large contributions from the Indian exchequer. There is no possibility that this province will ever be self-supporting. It is inconceivable that the Central Government, or the Central Legislature will forgo its control over a province which is maintained mainly from the resources of the Central revenues. The Hindu Conference thinks that this ground alone should suffice to dismiss the question of any cataclysmic changes as beyond the range of practical politics.

(iv) The people living in the North-West Frontier Province are only geographically separated from the Kingdom of Afghanistan. Any constitutional changes, which weaken the executive authority in the settled districts, must be impolitic and dangerous to the peace of the Empire, and shake the confidence of the non-Pathan population in the competency of Government to defend them against internal commotion, and the ever-increasing external pressure which in a very short time may alter the History of India.

(v) The importance and complexity of the problems of defence require the matter always to be left in the hands of Central Government. A large majority of the inhabitants belong to turbulent, excitable Pathans and quasi-Pathans with their feuds and factions.

(vi) The Hindus want to be on terms of peace and amity with their Mahomedan neighbours, and do not like to make any reflections on Pathan mentality, or their possible dreams of the reconquest of India some day when the Central Authority weakens. Even if this were impossible, it must shake the foundation of security of the people not only of the inhabitants of the North-West Frontier Province but of the Punjab too. Hindus have unfortunately been made too weak in this Province, by separation from the Punjab, to be of any real help.



- (vii) The trans-frontier tribes are a standing menace to the peace and good administration of the settled districts. It is well-known that their raids and dacoities, kidnappings and murders, are mainly directed against the Hindu population who offer suitable targets, being inoffensive by nature but wealthy as a class. Moreover, belonging as they do to a different religion, for which the fanatical element on the border has a deep-rooted aversion, and engaged in money-lending business, are looked down upon with contempt and hatred as *loozers* and *kyees*. The Forward Policy is the only sound measure to secure peace and order on the Frontier, but this can never commend itself to the Pathans. Though they occasionally suffer with us from depredations of the border tribes, yet they sympathise with their love of independence and bravery, having ties of blood and religion with them; and consequently disliking this Policy would always thwart and weaken the same by their opposition.
- (viii) It is a notorious fact that one-third of the Indian Army costing about 20-25 Crores of Rupees is maintained for the defence of the Frontier, and that another one-third is maintained for what is technically known as covering troops. The result being that about 40-50 Crores of Rupees from the revenues of India are annually spent for defending the frontier. With the rapid development of the air force, by independent Kingdoms, aided possibly by certain hostile European powers, there will be a growing pressure upon its resources to keep pace with the armaments strengthened to destroy British Imperialism in India. Nothing should be done which may, for keeping internal peace, make larger demands on our military resources.
- (ix) The Khans have been and are the natural leaders of men on the Border, but their power and influence, which has been the bulwark and an important safeguard against the unruly elements in the Province, are likely to suffer.
4. The policy of separating the five settled districts from the Punjab, and placing them under a Chief Commissioner concerned with the administration of comparatively uncivilized tribes, has resulted, as a pure accident of that policy, in reducing the Hindu minority from about 40 per cent. in the Punjab, to 7 per cent. in the N.-W. F. P. We believe that it could never have been intended to benefit the Mahomedans here at the expense of Hindus, with a view to weaken the latter's importance or influence.
5. The religion of the Hindus does not influence their political action, but unfortunately the action of the Mahomedans is largely a matter of their religion. The Hindus of the N.-W. F. P. feel that the outlook of their Mahomedan brethren in asking for full-fledged Reforms in a deficit miniature Province, close to Afghanistan and to the unruly wild tribes, on the basis of their numerical strength, is not purely political but Islamic; not merely on unselfish patriotic grounds, but in a vague ambition to attain uncontrolled domination for ever over the helpless minorities, including a major community in the rest of India, practically as a sort of hostage to secure their peculiar demands under influence of Pan-Islamism.
6. As long as the dominant community in this Province has not reached that stage of political education and advancement, where politics is dissociated from religion, and religion from the affairs of public life, any Government savouring of democracy could not safely be entrusted to it, and provincial autonomy on communal lines would not be at all acceptable to the Hindus.
7. As at present situated, we are extremely alive to the sense of a great real danger to All-India interests, and to the British Administration, or the authority of the Central Government itself, by a sudden transfer of power from British Officers to a Muslim majority, determined to work the Reform on purely communal lines.
8. Our Conference thinks that the immediate problems calling for action can best be dealt with by a neutral government, such as we have at the present moment, but in order to assist that government in getting acquainted with the needs of the people, as also to give them training in the working of political institutions, we shall have no objection to the formation of an Advisory Council, the constitution of which should not proceed upon any artificial consideration of racial ratio, but upon the broad grounds that those who make the largest contribution to the revenues of the province, and have imbued the spirit of modern progress and democratic principles, should be associated in the work of preliminary political education. It may be pointed out that according to the Census of 1921, out of 12,22,379 Muslim males, only 32,326 or less than 3 per cent. were literates, and of these only 3,970 knew English; whereas out of 1,37,283 Hindu males, 47,608 or nearly 35 per cent. were literates, and 6,941 English educated.
9. In order to assure both communities of the solicitude of Government, that a further political advancement would be given to the province as soon as it is suitably equipped, we would suggest that the Central Government be empowered by statute to hold periodical enquiries into the desirability of further extending self-governing institutions into the province, at time and occasion may demand and justify.
10. Our Conference further desires that since the Central Government is responsible for the good government of the Frontier Province, it should be adequately represented in the Central Legislature, and for such representation we would suggest that two Hindus and two Mahomedans be returned to the Legislative Assembly, while from a joint electorate three members be returned to the Council of State.
11. The Hindus of this province pay as much as about 80 per cent. of the income tax, and their share of the land revenue is also considerable as they still possess some lands. They, therefore, claim that their representation in the Local and Imperial Councils should be commensurate with their contributions to the Provincial and Indian exchequers.
12. Side by side with the political development of the inhabitants on sound non-communal lines, the educational and industrial development of the Province should be vigorously pushed forward, so that in due course of time the Province may become financially self-supporting, and be no longer a burden, as at present, on the general revenues of India.
13. We are opposed to the policy of favouring any one community at the expense of the other, and strongly object to the Mahomedanisation of the services which has been going on for years in this Province. We advocate the recruitment of the public services, in practice as in theory, without any regard to caste, colour, or creed, on personal merit and qualifications alone, and not on grounds of religion or family influence, and as far as practicable by free and open competitive examinations conducted by the Civil Service Commissioners.
14. We are strongly in favour of the judicial amalgamation of this Province with the Punjab, under the Lahore High Court, with a Bench of two judges stationed at Peshawar, and regard it as a measure calculated to secure full public confidence



## Deputation of the PROVINCIAL HINDU CONFERENCE.

The Deputation consisted of :

### PESHAWAR.

1. Rai Bahadur Beli Ram, M.A., LL.B., Advocate.
2. Rai Sahib Mehr Chand Khanna, Municipal Commissioner, Member, Cantonment Board, and Honorary Secretary, N.W.F.P. Hindu Sabha.
3. Rai Sahib Ramnath Lamba, Municipal Commissioner and President, Sanatan Dharma Sabha.
4. Mr. Gian Chand Dhawan, B.A., LL.B., Vakil, and President, Arya Samaj.
5. Mr. Parmanand Khanna, Honorary Magistrate and Member, District Board.
6. Mr. Charanjit Lal, B.A., LL.B., Vakil.
7. Lala Vazir Chand Kahar, of Messrs. Mool Chand & Sons.
8. Mr. Ganesh Das, Banker, of Messrs. Isher Das Muttra Das.

### DERA ISMAIL KHAN.

9. Rai Bahadur Thakur Datta Dhawan, Retired District Judge and President, V.B. College Council.
10. Rai Bahadur Sukkur Ram, Honorary Magistrate.
11. Rai Bahadur Jessa Ram, Municipal Commissioner.
12. Rai Sahib Ruchi Ram, Municipal Commissioner and President Hindu Sabha.

144. *Chairman* : Rai Bahadur Thakur Datta, you are going to act as the spokesman for the deputation?—Yes, but with your permission I would ask my friend Rai Bahadur Diwan Chand to read out the case for the Hindus.

(Memorandum read out, see p. 256.)

145. *Chairman* : You wanted to address us, Rai Bahadur Thakur Datta?—Not particularly, sir. I am here to give the Conference any information they may require. The only point that I wanted to make clear was that the Hindus here do want protection. They want their rights and privileges to be safeguarded, because in the matter of education, political advancement, and commercial interests the Hindus in this province are in exactly the same

13. Lal Das Ram Bagai, B.A., Honorary Munsiff and Landlord, Secretary, Brahmji Sabha.

### HAZARA.

14. Rai Bahadur Diwan Chand, B.A., LL.B., Advocate.
15. Rai Sahib Parmanand, Barrister-at-Law, Vice President, Municipal Committee.
16. Rai Sahib Isher Das, M.A., LL.B., Honorary Magistrate.
17. Mr. Sukh Deva of the firm of Rai Sahib Chokar Lal & Sons.

### KOHAT.

18. Rai Bahadur Eshwar Das, Barrister-at-Law.
19. Seth Ram Chand, Banker.
20. Pandit Ramji Lal.
21. Seth Ladha Ram.

### BANNU.

22. Rai Sahib Kishen Chand, Municipal Commissioner, Vice-President, Hindu Sabha.
23. Seth Gulab Chand, Municipal Commissioner.
24. Lala Neb Raj, Honorary Magistrate.
25. Lala Tikkal Lal, Contractor.

position as the Europeans are in the whole of India. In the whole of India they are given greater representation and also certain privileges simply because they are politically advanced as also in the matter of education, and also because their commercial interests are superior to those of all the others. On these grounds we submit that we have to ask you to give us our rights. The other ground that we have urged in our Memorandum is that we were separated from the Punjab for no fault of ours. There we had been 40 per cent. of the population and whatever might have been the outcome of these constitutional changes, we would have got 40 per cent. voting strength.

146. *Chairman* : I am impressed with that point, and I may say everybody would be. You do not

mind if I just correct the figures which you gave just now, because we have been studying it in the Punjab. The fact briefly is that in the Punjab the Hindus are just over 30 per cent. of the population. Even if you were to include everybody except Mahomedans and Sikhs, they would only be 32 per cent., but in fact the Hindus are just over 30 per cent. of the population. I quite appreciate your point. Your point is that had it not been for the repatriation of the North-West Frontier which is very largely due to considerations which were not domestic considerations, but were due to special difficulties connected with the Frontier policy, had it not been for that, you gentlemen who live in this neighbourhood would have found yourselves joined up with a very large number of your own community. As it is, you are in numbers a very small body, but of course in commercial importance and intellectual standing you are a very important minority!—That is exactly our submission, sir. One thing I may say is this, that the sentiments of the Sikhs when we were repatriated from the Punjab in 1901 were with us. There has been some cleavage since, but we always think that the sympathies of the Sikhs, if any question of communal importance comes up, will mostly be with us, and so we include Sikhs also with us.

147. Even if you include Sikhs with the Hindus you may only get about 7 per cent.?—You have got the latest figures, but I speak of 1920-21. Then the Mussalmans were 54 per cent. and the others were 46.

148. You are talking about the Punjab?—Yes, sir.

149. You need not trouble yourself about that. Here the Hindus and Sikhs added together will be about 7 per cent.?—Yes.

150. I think you will agree with me that in order to save time and get at any rate some of the questions done, we need not go over this Memorandum again, because, if I may say so, I regard this document, which has been read to us and your own document, as extremely clear and full, and they provide me at any rate with a great deal of the arguments from the Hindu point of view which I wanted to know. Therefore we need not spend time in repeating by word of mouth what has been clearly laid down in the Memorandum.

You have referred at the beginning of your memorandum to the Resolution of the Provincial Hindu Conference, which was laid before the sub-committee of the Royal Commission. That was a document which was presented to two or three of us who visited the Frontier on behalf of the Commission in February. That document I see is signed by Mr. Mohr Chand Khanna as the Secretary of the North-West Frontier Provincial Hindu Conference, and it reads: "The representative Hindus of Peshawar, Dera Ismail Khan, Bannu, Kohat, and Hazara, assembled in a Provincial Conference held at Peshawar on 27th March, 1928, place on record their considered opinion that"—and then follows what is given in this Memorandum?—If you will allow me, sir, I will only say that resolutions to this effect were also passed in 1926 by the various Hindu Sabhas of this Province, and copies of these resolutions have also been given as an appendix at the end of my Memorandum.

151. Major Atlee: In your paragraph on constitutional advance you suggest the formation of an advisory council. Would that in your opinion be a nominated or elected body?—I have given some details there, but what I want to make clear is, it is not as if we suggest an advisory council. I say that if Government decides upon giving that on the lines suggested, we shall have no objection. As regards how they should be nominated, I have said that we have got a very good electorate now in the municipalities and district boards. The district boards and the municipalities are nominated bodies, but they represent fully the different classes of the population, as also their various interests. The district boards and the municipalities can be given a right to elect among themselves by what you might call an indirect method of election. That I believe

was the case before the Montagu-Chelmsford reforms began.

152. Mr. Cadogan: In paragraph 14 you suggest judicial amalgamation of this province with the Punjab. We have received a certain amount of criticism of that suggestion on the score that it will involve a very intolerable delay? We have provided that a Bench of two judges should sit at Peshawar with the same powers that the judicial commissioners exercise now. What we submit is that as regards judicial commissioners we have not got the proper persons to enlist from, and when even temporary vacancies occur one has to come from the Punjab and the other comes from Bombay. This province has not got the material to provide for the higher posts. And another thing I want to suggest is that the judicial commissioners here do not have the same respect for their decisions as the High Court judges have. The High Court judges will have higher status when hearing cases. And there is a third reason, and that is that when the two judges disagree sometimes there will be available a third judge in the Lahore High Court to decide whose decision should hold good. Therefore, if you have a High Court to draw upon, then the status of the judges will increase and you will have a safer remedy in the case of differences of opinion.

153. Lord Strathcona: . . . Have you considered what form of franchise you would suggest?—The members of the district boards and the members of the municipal committee. Those are the members who will be electors.

154. Do you mean that there should be a franchise for appointment to the district boards and municipalities, etc.?—No.

155. Chairman: You mean the district boards will be the electors?—Exactly, and the municipal committees.

156. Lord Strathcona: At page 111\* of the question of services you say that the number of British civilians should be increased, and so on. Do you mean that to be only a special recommendation as applied to the North-West Frontier Province?—Yes, exactly. Because here the communal question owing to the Pathan mentality is very acute, and also we have had some experience. We are not saying that merely on theoretical grounds, but we have experience that if we get city magistrates, or sub-divisional magistrates, from one community or another, there are always grievances, and there are always complaints, and the only way in which to neutralise all this is by having civilians for the three posts, viz., deputy commissioners, city magistrates, and sub-divisional officers.

157. Will it be fair to say that in your opinion there are not sufficient British officers?—Yes. I will say that not only it is not sufficient, but that there ought to be more civilians in the province.

158. Dr. Subramanyam: You claim adequate representation for the Hindus in your memorandum. Am I right in inferring that you claim separate electorates for the Hindu minority?—As regards separate electorates, it should be decided as an All-India question; we are opposed to election for this province.

159. You say that you claim adequate representation. It involves the question of separate electorates?—No.

160. Will you kindly explain what you mean by saying that the representation of the Hindus in the local and imperial councils should be commensurate with their contributions to the provincial and Indian exchequers?—I have explained in my memorandum that the advisory council should elect members to the Legislative Assembly, and the Chief Commissioner will nominate members to the Council of State. My idea is that the advisory council will elect the members if Government decided to constitute it.

161. And there the Hindu representation should be commensurate with their contribution to the provincial and Indian exchequers?—Yes.

\* Memo. by Rai Bahadur Thakur Datta Dhawan not printed.



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[Continued.]

nothing corresponding to that in Madras. Secondly, he says, it is true that we are a small minority but intellectually and commercially we are very important and that it is not the same in Madras. I do not say that I quite agree with him but that is his position.

180. *Dr. Subramanyam*: I want to know whether you are in any way connected with the Hindu

Mahasabha and whether your Deputation share the views of the great Hindu leader of the Nationalist Party whose premature death the whole of India laments, I mean Lala Lajpat Rai?—No; we never went to them nor were we ever invited.

181. I am referring to the resolution passed by that Sabha in March, 1928?—They never invited us, nor did they visualise our peculiar position.

## AFTERNOON.

## Deputation from the PROVINCIAL HINDU CONFERENCE—continued.

1. *Nawab Ahmad Nazeer Khan*: Rai Bahadur Sahib . . . I think that you are opposed to the introduction of full-fledged Reforms (not partial, as you have recommended that) on three main grounds, communal, political and financial. Is that so?—You have not said geographical.

2. I take it in a sense political includes geographical also. Your first ground is communal, that is the Hindu point of view, and in regard to that, I quite agree with you that you are entitled to have that. The other two are political and financial. You have seen my memorandum and I have also not agreed for full-fledged Reforms for this province on these two grounds, viz., political and financial. Therefore I do not want to discuss these two points. But as regards the communal grounds on which you have based your opposition it leads me to think that there are still two points to be considered. One is whether a Hindu or a Musalman opposes the Reforms on account of his bigotedness. That is out of the question. The other point is this that you are afraid of the interests of your own community and that you want to safeguard them. Therefore, supposing such a form of Reforms were granted to the province which would not interfere with the present or the future rights of your community, would you welcome these Reforms?—Our objection to the Reforms is not on communal grounds, but it is based on the mentality of the Pathan community. They will be fighting among themselves and crime will increase involving everyone. And I believe that all this will occur whether there are Hindus here or not, and our Hindu point of view is that these Reforms will prove a great disaster.

3. *Sir Abdul Qayum*: If such Reforms are given in which your rights are well protected and safeguarded, then you will not object to that?—In the present circumstances that is impossible.

4. If it is impossible it is another matter. But if it is possible?—That is a hypothetical question. I know that it is impossible anyway.

*Chairman*: His view is that taking a practical view of the situation it does not seem to him that it will work.

*Witness*: Yes, sir.

5. *Sir Zulfikar Ali Khan*: Rai Bahadur I have only one question to ask and it is this, that as a minority do you think that you have a right to prevent the advance of a whole people?—In their own interest, yes.

6. In whose interest?—In the interest of the majority—the Pathans.

7. But they want it. Are you their guardian?—I am not their guardian, but I know what will happen. The agitation is recent since the Bray Committee of 1922 by a few persons; prior to that, no one heard of reforms for this province.

8. And they do not know it?—They may or may not know it. They will fight between themselves. Also I submit that what I say is in the interest of the whole of India. If there were trouble here, then the whole of India will have to suffer. Besides, one crore and thirteen lakhs of rupees a year (Budget 1928-29) are contributed by the Indian Government for the civil administration of the

settled districts and they must have a voice in it. Another one crore and twenty-five lakhs is given for the frontier tribes in the Agency Tracts. It is really an Imperial question.

9. . . . It is my general impression that your fear is that in the present condition of affairs beyond the frontier, if a measure of Reforms is given to this province, the Hindus will suffer?—The Hindus will suffer, and also all the Indians for the matter of that. The Hindus are after all only a part and parcel of the whole of India. The separation of the two parties is impracticable.

10. Do you think that an awakening of the Muhammadans is taking place and that the Hindus will take part in it?—There is no such awakening in the masses. If there is any awakening, we will not object to it. As at present, it will only excite passion which will injure people for nothing.

11. But do you not think that there is perfect peace in Afghanistan and other countries bordering on India?—That is a new thing you are saying. You speak of Amir Amanullah. He has got his own peculiar way, and we have yet to see what it is, and he may ultimately find that things are not happening according to his own views. Anyhow, that, I believe, is outside our sphere.

12. *Nawab Mahomed Akbar Khan*: Rai Bahadur, supposing a council is granted to this province, have you any objection to its composition in the way put forward by the Khans, that is, two-thirds nomination and one-third election?—Any legislative council here will be a great disaster to the country, but if the Government is going to give it, I would rather have two-thirds nominated. I am not for it, but out of the two evils I will select the lesser one.

13. Do you think that one-third election in the council will have some effect on the influence and power of the Khans of this province?—Oh! Yes. As one-third goes there by election, you will find that the power of the Khans will diminish, because the others will probably be intellectually abler than the Khans. If the intellectually abler lawyers will go there, the Khans will get lesser influence.

14. *Nawab Mahomed Akbar Khan*: Do you think that the officers recruited from the aristocracy of this province compare better with those of the middle classes? You have long experience of the North-West Frontier Province. What do you say?—I would not give an answer, if you do not press it.

15. All right. May I ask you how a reduction in the number of British officers in the civil administration will affect the administration in this province?—Most injuriously.

16. *Sir Hari Singh Gour*: You have been put questions as if there was a competition between the minority and the majority community. I understood that your view-point is entirely different. Your view-point appears to be this, that you class yourself as a politically advanced community and you base your claim upon the fact of your political advancement, and it does not matter whether you are in a majority or minority, you want special rights because of your advancement?—Yes, and also because of our commercial interest.



will be able to pass laws which may affect us adversely' and they will also have a voice in the apportionment of finance. All these things will follow the reforms. Then again the Ministers will have a voice in the general administration of the province because they will be associated with the Government. They will be part and parcel of the Government, having authority to enact laws.

39. There will be the right of veto?—That right of veto cannot be exercised on many occasions. That is a very inconvenient thing and it might be exercised once in a way, but it cannot be exercised forty or fifty times. It can be exercised only in emergent cases, and it will not be exercised in the case of every measure that the Pathans will enact. If the Governor begins to exercise his power in every case he will be called autocratic and so on.

40. You do not remember any cases in which you have raised your voice saying that the authorities were autocratic without any control from the people and that the country was lawless and so on and wanted reforms?—I do not follow the question.

41. Do you not think that even now there is a hue and cry occasionally from both the Muslims and the non-Muslims that the present rule is autocratic, that the people want more control, some sort of control over their affairs or more association with the Government and so on?—As practical men we have to see which is the greater of the evils. The greater evil is the Pathans getting power. As regards autocracy my own view is that the British officer cannot be autocratic, because he is bound by certain codes, rules and regulations while I cannot reconcile myself to the view that if we had a Pathan deputy commissioner, he will ever care for the rules and regulations.

42. You are afraid of the Pathan deputy commissioner?—I say it only as an example.

43. You object to the laws being elaborate or the public being consulted in the framing of laws and you would rather leave it to the Central Government to enact the laws for you?—If it is the Central Legislative Assembly, we have got both the Hindus and Mahomedans there and we need not fear anything. (*Rai Bahadur Divan Chand*): I would like to add one thing. This province can only be gradually fitted for the reforms. At present in view of the Pathan mentality, democratic institutions cannot be safely entrusted to them. If better times come we shall have no objection to the introduction of the reforms.

44. *Sir Abdul Qaiyum*: When this question of Muslim mentality comes in I can hardly control my feelings; but I shall try to be quite mild and will put you the question. Considering the happenings in other parts of India do you think that our mentality is worse than that of other Indians elsewhere?—(*Rai Bahadur Thakur Datta*): I do not say worse. I say you are excitable, you are passionate, you go to factions and in no other part of India do these conditions exist.

45. If we fight we fight amongst ourselves; how does that harm you? If we get reforms you will also have the advantage?—When the fire begins to burn it does not make a distinction. When you fight among yourselves the Hindus will be trembling, being afraid that it may be their turn next. They too suffer on account of your fights. We do not want you to fight. We want that you should change that mentality.—(*Rai Sahib Mehr Chand*): May I give one example? You had your Shia and Sunni fight at Kohat some time ago and on account of that the Hindus who happened to be in the Shia territory numbering about 400, had to leave the territory and suffered great hardships.

46. In the tribal area the Hindus are in a small minority. How do you find the Muslim mentality there? Are the Hindus ever being touched by the Mussalmans?—(*Rai Bahadur Thakur Datta*): My information is that the Hindus in the tribal area are not considered to be equal to the Mussalmans. They are considered to be dependents or serfs. They have no freedom to do anything. We do not want to be

reduced to that condition. If we Hindus here are to be treated in the same way as the Hindus in the tribal area are treated, then we would rather leave your province and go elsewhere. This is the reason why we object to your getting the dominance in the province.

47. I quite see that your fear is that you being a minority, if the Mussalmans who are in a majority are given more powers, you will suffer at their hands. So it is more a question of safety for your own community than the mentality of the Mussalmans. Because I may say, whatever the Pathan crimes and offences are, they are for personal gain; that whenever we have anything to gain, then possibly we may go in for committing a crime. But do you agree that we have not in the last decade or even last thirty years committed any crime, like the murder of Mr. Day in Calcutta or similar crimes in other parts of India?—Such crimes elsewhere are only sporadic. You have it in your memory that a hundred Hindus and Sikhs were expelled from the frontier simply on account of their religion. The Kohat tragedy was based on religion. The Pathan mentality here is quite different from any condition elsewhere in India.

48. What do you think of the Kartarpur mentality where people were burnt alive?—I say these are only sporadic cases due to fanaticism on the part of some people. They are only rare occurrences. Here it is an everyday occurrence. That is due to the mentality here. In the cases you quote, at the moment the Government controls the thing, it disappears and you hear no more about the incident. But here it is a permanent recurring thing notwithstanding the best efforts of Government and of officers.

49. Can you give me any instance where a riot of the magnitude of the Kohat riot has been committed in any other part of India, while we on the frontier have compromised our differences?—Has riot of that magnitude occurred anywhere else?

*Sir Abdul Qaiyum*: I remind you of the incident at Nagpur where your community has an overwhelming majority.

*Chairman*: I think, *Sir Abdul Qaiyum*, the difference between you and the witness is quite clear. You recognise that he has expressed his view—right or wrong—and you have indicated quite clearly the grounds on which you criticise it. May I suggest with great respect that we shall not get much further on that question. We are only ascertaining the value of this deputation and you do not expect to bring them to a different view.

50. *Sir Abdul Qaiyum*: You have also mentioned some financial difficulties which may follow the introduction of reforms. May I know whether in the formation of provinces in India the important question is the financial question or the linguistic question to be considered or the tribal question?

*Chairman*: I do not think I shall attach very great importance to individuals answering to the question. We shall all agree, I am sure, that of course financial considerations are important. I perfectly understand that the North-West Frontier Province is a

19 November, 1928.] DEPUTATION OF THE PROVINCIAL HINDU CONFERENCE.

[Continued.]

52. *Sir Abdul Qaiyum* : Is this the opinion of the whole Hindu community or is there a class of Hindus who want the introduction of reforms?—This is the opinion of the vast majority of the Hindus and if some Hindus have been put up by intrigue or otherwise to say something contradicting us, they should show whom they represent.

53. Recently it was published in papers that there was a meeting of 5,000 people in your town where a resolution was passed urging the introduction of the reforms?—I was then present at Dera Ismail Khan. Out of that number you may take away 4,500. Out of the remaining only a few were Hindus and out of these Hindus one who presided is a Hindu who has got no business at all; and the other is a motor driver.

54. Is not the person who contributed so many articles to the Press not a respectable person?—I have not seen those articles.

\* \* \* \* \*

*Appendix (vide Q. 22, p. 262).*

Letter from The Honorary Secretary, Provincial Hindu Conference, North-West Frontier Province, Peshawar, to The Chairman, Joint Free Conference, Peshawar.

Sir,

With reference to the suggestion made in the afternoon of 19th instant that the Frontier question might be solved by securing the election of five or seven members from the five settled districts of the N.W.F.P. to the Legislative Assembly and that these members with one or two others, if necessary, might constitute the North-West Frontier Committee with the Foreign Secretary as their Chairman, to advise upon all matters within the purview of the Punjab legislative council specially the framing of regulations which have the force of law in this province. We are directed to say, after careful discussion with the members of the Conference that they are unanimously of opinion that the suggestion is an ideal one to cope with the peculiar situation in this province.

2. The advantages of such an arrangement will be as follows:—

Firstly, It retains a sufficient measure of control in the Central Government who have to make good the annually recurring deficit.

Secondly. The Government of India will as at present retain a hold upon the Frontier Province which has a strategic value.

Thirdly. It satisfies the legitimate ambition of the people of this province to a greater participation in its administration and the fact that the deliberations of the committee will ordinarily be held away from the atmosphere charged with communalism, would be conducive to a better understanding between the two great communities resident therein.

Fourthly. It will give the representatives of this province an advantage of acquiring a wider experience in the art of government, which they could not possibly hope to do even if a full-fledged legislative council were installed here.

Fifthly. It will be the most economic arrangement, as it will entail no extra cost.

The members of our Association, therefore, feel after mature consideration that it should accord to the suggestion their fullest support and they do so accordingly.

3. We may add in this connection that if the number of Frontier members in the Assembly is raised to five, two seats should be allotted to Hindus, and if the number is fixed at seven, then three seats.

4. We further think that the election should be an indirect one for the present, till the general constituencies are educated up to understanding the meaning of a vote, which we hope they will soon be able to do. We would leave the question of election procedure and whether it should be separate or joint electorate for future consideration, in case the Commission be pleased to refer this question to us. We shall then convene another meeting of our Conference to decide the question.

5. Our Association need scarcely add that this province be also sufficiently represented in the Council of State.

We have, etc.,

Mehr Chand Khanna,

Rai Sahib,

Hony. Secy.,

Provincial Hindu Conference, N.W.F.P.

Rai Bahadur Thakur Datta, Spokesman.

Prov. Hindu Deputation,

N.W.F.P.

Dated Peshawar, 20.11.28.

## Memorandum submitted by the SIKHS of the North-West Frontier Province.

The Sikhs in the N.W.F. Province are in a minority. There are two sister communities, who are in majority, so far as Sikh minority community is concerned. They have to have their rights and interests safeguarded in the peculiar circumstances. The Sikhs though a minority are all the same an important minority, and have got interests in the Province at stake, which require special attention. Though a very small minority they pay a very substantial portion of the Indian tax and being a commercial community contribute very largely to the Octroi duties. They have got three High Schools in their own buildings, one at Peshawar, the other at Bannu, and the third at Haripur. Besides these they have got many girls' and middle schools too. There are many historical and other Gurdwaras of theirs; e.g., Gurdwara Bhai Joga Singh Ji, Gurdwara Bhai Baba Singh Ji, Shahid Bunga, Gurdwara Guru Nanak Sahib, Guru Nanak Sahib Chakura, and others. They have always been in front of every other community in sacrificing their all in protecting the honour of their Country and the King, whenever the occasion arose; the last Great War is an instance in point. They

were the last rulers of the Punjab, from which this Province was carved out in 1901.

The position of the Sikhs with regard to the introduction of the reforms may be briefly summarised thus:

1. As everywhere the enlightened public opinion desires to have a greater share of the responsibilities in the administration of the affairs of the country, if the authorities or the Statutory Commission would recommend their introduction, the Sikh community would not stand in its way.

2. That the election to the Council may be by a joint electorate.

3. That 25 per cent. of the seats in Council, a representative in Cabinet and the same percentage in all the departments of administration is secured to them.

4. That 50 per cent. of the high posts may be filled by competition.

5. That the Gurdwara Act may be introduced; and

6. The Land Alienation Act may be repealed.

## The SIKH Deputation.

The Deputation consisted of:—

1. Sardar Raja Singh, Advocate, Peshawar (Spokesman).

2. Sardar Jagat Singh, Banker and Municipal Commissioner, Peshawar.

3. Sardar Kirpal Singh, Peshawar.

4. Sardar Sant Singh.

5. Rai Sahib Harnam Singh, Bannu.

56. *Chairman*: May I ask you this question? What according to your estimate is the population which is Sikh? What percentage is it about?—I think it is one per cent.

57. And the Hindus we are told are about five to six per cent.?—Yes, about that.

58. So that the two together make six or seven per cent. of the population and practically the whole of the rest is Mahomedan?—Yes.

59. With regard to No. 3 of your Memorandum, you are urging that 25 per cent. of the seats in council should be secured to the Sikh community. Have you formed the view as to whether the Hindu community in the province should have a percentage of the seats secured to them?—So far as I am concerned, my community regards both Hindus and Mahomedans as quite distinct from them.

60. I am sure it does?—Their interest is to have their views heard effectively, and unless and until there is some substantial representation, such as 25 per cent., there will be no effective representation of a community which is financially and industrially important, though in a very great minority.

61. What you are putting forward is, quite properly, primarily for the Sikh community; you are not discussing other things in detail. I wondered, however, whether in thinking it over your deputation had considered whether, if the Sikh community got 25 per cent., the Hindu community would not have to have at least the same?—Yes.

62. Then, if you have 25 per cent. Sikh and 25 per cent. or more Hindu, it follows that the remaining community, which comprises something like 93 per cent. of the population, will not be in a majority?—We are used to that here. In the municipal committees there are 16 members at present, of whom eight are Mahomedans and the other eight Hindus and Sikhs.

63. That is very interesting. That is all by nomination, of course?—Yes, by nomination.

*Nawab Ahmad Nawaz Khan*: That is according to the Punjab law.

*Chairman*: You mean that according to that the majority community got one-half and not more? That is what I understand, and I am obliged to the Nawab of Dera for telling us. I understand that as regards municipal self-government here the thing really depends on the old Punjab law. When the North-West Frontier Province was cut off, there was a provision made that the previous law that applied here, such for instance as the Punjab Municipal Act, would continue to apply, and the result is that although to-day it is a separate province from the Punjab the constitution of municipalities is by nomination but in the same proportions as it would be or might be if it was in the Punjab; and they have not, in the municipalities or district boards, introduced elections at all.

*Sardar Shinder Singh Uberoi*: The system of election was introduced in the Punjab many years before 1900, and it is surprising this principle was not extended to these districts.

*Chairman*: Is not the answer (you know, probably, very much better than I do) this, that the Punjab Municipal Act did not in itself decide whether a particular local body should be elected or nominated, but it authorised the local body to be constituted by Government either by election or nomination according to what the Government thought best; and here before the two were separated in fact they were constituted by nomination. The Sardar Sahib is right when he says that before 1901 some municipalities in the Punjab had elected members.

*Nawab Ahmad Nawaz Khan*: They were not introduced here because it is a frontier district.

64. *Chairman*: The real truth is that in the old days when the Lieutenant Governor of the Punjab was responsible for Peshawar, the Peshawar Municipality was regarded as one of these frontier municipalities and a system of nomination was adopted for it. Is not that right?



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THE SIKH DEPUTATION.

[Continued.]

*Nawab Ahmad Nawaz Khan* : Yes.

*Witness* : With your permission, I should like to say a word. The old Act, in force when this province was carved out, has long been repealed, and a new Municipal Act was passed in 1911. That Act was passed after the separation of this province, and though it was laid down that all Acts applicable at the time of separation to the Punjab would be applicable to this province, this 1911 Act has been introduced into this province, although it is a Punjab Act. It is not because we were separated at that time that we are governed by it; it is that another Act passed by the Punjab legislature has been extended to this province, and the Government in its wisdom has thought it fit to keep the number again eight and eight.

65. *Chairman* : There was an Amending Act in 1911 which the Punjab legislative council passed for the Punjab, and the Government here, as they are entitled to do, applied that Act to this province?—Exactly so.

66. *Sardar Shivdev Singh Uberoi* : Out of the eight non-Muslims in the local municipal committee, how many are Sikhs?—Two.

67. That is a quarter?—Yes.

68. *Sir Zulfkar Ali Khan* : You want 25 per cent., that is 25 in 100, or one quarter?—That is so.

69. If a reformed constitution is granted to this province, out of 100 members of the council you would have 25, and the Hindus, who form 5 per cent. of the population, should have five times your number?—Not necessarily.

70. That would leave nothing for the Mahomedans?—In politics we must not always be too logical!

71. *Sir Hari Singh Gour* : In your point 2 you say "the election to the council may be by a joint electorate"?—Yes.

72. Do you think your community would be sufficiently safeguarded in a joint electorate in this province?—My idea is not only this province; I had in view when I wrote this that if the system of joint electorates is adopted all over India I shall be in favour of it.

73. I am asking you a question about your own province, apart from the rest of India?—Can it be considered apart?

74. I wish to ask you this with reference to your own province. In your province do you think your community would be sufficiently safeguarded if the electorate is a joint electorate?—You must take into consideration our clause 3 also.

75. You mean, with reservation of seats?—Yes. I would like the Hindus, Mahomedans and Sikhs to come on to a joint electorate without distinction but with reservation of seats.

76. *Nawab Ahmad Nawaz Khan* : You are in favour of the introduction of reforms if there are five safeguards for your community, as you have said?—Have we said that?

77. I am going to inquire. Are you in favour of the introduction of the reforms?—I say I am not against them. I say if it is to be given I will not stand in its way.

78. *Chairman* : If others want it, you do not oppose it?—That is it.

79. *Sir Abdul Qaiyum* : I have no quarrel with the Sikhs; they have put their case very clearly; but there is one little point I wish to mention. I believe you are aware there has been a certain amount of crying (I will not call it agitation) for election for municipalities for some time past?—Yes.

80. The urban population especially understand what election means, and that representatives elected by the people are more useful for their purposes than the present system of nomination?—It is natural they should think that.

81. If it comes to the point of election for municipalities (let us confine ourselves to municipalities) you will prefer a joint electorate to separate electorates?—Provided that there is a certain reservation of seats.

82. *Nawab Ahmad Nawaz Khan* : If there is no reservation of seats, would you prefer separate electorates?—No. So far as I am concerned, I would prefer everywhere a non-communal basis for representation, if it is at all feasible.

83. Joint or separate?—I would prefer joint everywhere.

84. Whether there is reservation or not?—I would prefer that, if it is extended throughout India and not confined to this province alone.

85. It should be for the whole of India?—Yes. If it is extended to this province only it must be taken with No. 3; I would read the two together.

86. Does that mean that if No. 3 is not read with that you do not want it?—Not necessarily, to my mind.

87. *Nawab Mahomed Akbar Khan* : Do you know of any municipality in this province where the number of nominated non-Muslim members is greater than the number of Muslims? Do you know that in Bannu, for instance, the number of non-Muslims in the municipality by nomination is greater than the number of Muslims?—It may be; I do not know.

88. And do you know that the number of Muslims in the population is greater than the number of non-Muslims?—I do not know. There may be differences of taxation; it may be a question of who pays the most taxation.

89. You do not know how these numbers were fixed, and how long ago, and whether there is any serious agitation for their being revised?—I do not know of any serious agitation for their being revised, and I do not know when they were fixed.

90. Do you know that in this very city for several months past this has been going on, and that notices were posted that they were going to block your and our way to the municipal hall, as we both happened to be municipal commissioners? Has not agitation been going on every Friday for months past?—There was some demonstration by the Khalifatists on the point.

91. Did not the Khalifatists say in their manifesto that their demonstration was simply for election to municipalities?—I have not seen that.

92. *Nawab Mahomed Akbar Khan* : What part of the total population of Peshawar consists of Khalifatists?—I think about 5 per cent. at the most. My friend here says they are very few in number (not even  $\frac{1}{2}$  per cent.).

93. *Sir Abdul Qaiyum* : I want to know whether in this particular case of elections in municipalities the agitation was confined to Khalifatists only?—That is my idea.

94. I have it here in the resolution that it is from every class of people?—I am only giving you my idea.

95. *Rai Bahadur Karam Chand* : Here in this Conference there is a discussion going on about the percentage of Hindus and Sikhs being 7 per cent. You want separate representation or combined with the Hindu community?—I want quite separate representation.

96. You have just mentioned in your Memorandum that your community fought in the War. How many Sikhs were serving in the army from this province?—I think Sikhs formed the backbone of the army. The question may be asked how many Hindus from this province are serving in the army.

97. I know the backbone of the army might have been from the Punjab, but I mean from this province?—I do not know. The figures are obtainable from the official statistics.

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100. *Sardar Shivdev Singh Uberoi* : May I inquire how the Sikh community stands in the way of education in relation to the Hindu community and the other communities?—We have three high schools, as I submitted, and the majority community, the Mahomedans, I think have three.

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THE SIKH DEPUTATION.

[Continued.]

101. What is the proportion of Sikhs so far as education is concerned?—I think we excel every other community.

102. Can you give any proportion?—I think about 91 or 95 per cent., or thereabouts.

103. You are well advanced in education?—Yes.

### Deputation from the ADVANCED MUHAMMADAN PARTY (together with certain Khans sharing their views).

The Deputation consisted of :—

1. Khan Bahadur Saaduddin Khan,  
Judicial Commissioner.
2. Sardar Aurangzeb Khan.

3. Khan Bahadur Abdur Rahim Khan,  
M.B.E.

4. Nawab Saifullah Khan.

126. *Chairman* : Gentlemen, we are told there is a number of gentlemen here, some of whom are Khans, who rather sympathise with your advanced point of view, and if you have no objection we might ask them (the Khans) to sit down. You will have a word with us first, and afterwards there may be an opportunity for them to say something. I understand that you, Khan Bahadur Saaduddin Khan, are going to address us on behalf of the Advanced Mahomedan deputation that is before us. We appreciate, of course, that you are in addition a judicial commissioner and have a long official record, but, of course, you are speaking here in your character as a private individual?—(Khan Bahadur Saaduddin Khan) : Quite. My case is briefly put. We are all for the reforms, and full-fledged reforms, and think we should have in no way less than what prevails in the rest of India. We want to be considered as part of India. We have been part of India, and we want to be treated as such. Our case for reforms is so ably put in the Majority Report of Sir Denys Bray's Committee, and all the arguments for and against have been so clearly set forth and dealt with there, that I need not say anything more, because I cannot hope to improve upon that statement.

127. May we take it that your deputation is here to urge the adoption and the putting into practice of the Majority Report of Sir Denys Bray's Committee?—Quite.

128. We have all studied that carefully.—With this addition, that we think any further reforms which may result from your deliberations should also be extended to us along with the rest of India.

129. Do you mean by that that supposing (I am merely making a hypothesis, of course) in some part or parts of India there was what is sometimes called full Dominion Status, that here in this province, you would desire to move from your present position right to the position of Dominion Status at once, without any intervening step at all?—For that, my answer is very short. If the rest of India gets Dominion Status, necessarily the British Government is not going to keep this tiny province under British control. They will necessarily give up this province and leave it to its fate under the Dominion government granted to India. Otherwise, whatever form of constitutional government is granted to the rest of India we shall be perfectly satisfied with here.

130. Let me put the question rather differently because it may be the phrase I used was a little confusing as between the central and provincial governments. Let us suppose that in some province or other the change took place which some people—though by no means all—urge, of getting rid altogether of diarchy and of establishing an absolutely complete system of ministerial responsibility in all departments, law and order and justice and everything else—Then our prayer will be the same.

131. Is it your representation that here in this province that should be done, too?—I do not see any difficulty or objection to that.

132. Then I may take it you consider the situation of the North-West Frontier Province, or rather of the five administered districts, for all constitutional and practical purposes is indistinguishable from that

of any other five districts in any other part of India?—Quite.

133. That is your view. Is it your view or not that the five administered districts should be under a different government from the frontier tribes?—If the Imperial Government thinks it would not be possible to carry on the unadministered area on the same lines as Sir M. Young suggested, there will be no harm done if the tribal area is under a separate Chief Commissioner.

134. But I understood you to say your deputation was in favour of all the views which would be found in the Majority Report of Sir Denys Bray's Committee?—Yes.

135. A very important feature of that report was this, was not it, that the Majority came to the conclusion it was quite impracticable to divide the government of the five administered districts from that of the unadministered tracts?—Yes.

136. Is that your view?—I do not see any difficulty in administering the settled districts on the same lines as those on which the rest of India is administered, and also to administer the frontier tribes or tribal area on the lines on which it is at present administered. There is no clash of interest between the two areas.

137. I want to be entirely clear. Is it your view that it is possible or impossible for purposes of government to separate the authority which governs the districts from the authority which governs the tracts?—In what way?

138. It is a possible suggestion that the districts might be governed by one governmental authority, and that the tracts might be governed by another. At present they are governed by the same?—The Governor might be the same and the system of government might be different.

139. I am looking at page 9 of the Majority Report of Sir Denys Bray's Committee, which you approve of, and which says: "The conclusion forced by the sheer process of reasoning . . . is this. In existing conditions it is not merely inexpedient, for all practical purposes it is impossible, to separate the districts and the tracts." I understand you agree with that?—Even at present, so far as the administration is concerned, we have nothing in common.

140. But you are not suggesting, are you, that that proposition of Sir Denys Bray's Committee is not at present being observed in practice? At present the authority which governs the districts and the tracts is the same?—Yes.

141. I want to know what your view is?—The authority will be the same; for instance, the Chief Commissioner will be the same, administering both tracts; but the system of government here even now is different from that of the tribal portion. There will be no difficulty in that.

142. No difficulty?—No.

*Chairman*.—I see. I think I understand your view.

143. *Colonel Lane-Fox* : On that question of administering the tracts, would you consider that law and order could be administered in the same way

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if it was handed over to a minister responsible to the council? Would he have the duty of administering the tracts? In the settled districts?

141. If law and order was transferred as you suggest, do you suggest its administration in the tracts would be carried out by the minister responsible to the council? No, the minister will have nothing to do with the tribal area.

145. Then it would not be the same authority?—The authority would be the Chief Commissioner, who will be directly in charge of the tribal area.

146. Have you considered the financial side of this?—The question of finance I have never been able to understand. This province, as you all know, was separated for Imperial purposes, and even in the Swaraj Constitution which has been published, the Nehru Report, this province is kept as a separate entity, in spite of the fact that they know this province is a deficit province; they have accepted the situation that this province should remain as a separate entity for their own purposes. If they want to keep this province as a separate province, I do not know why they should grudge us the money necessary to keep the province.

147. I am not asking you about the Nehru Report; I am asking your own view. Are you prepared to see extra taxes put on industry in view of the increased expenditure of ministers and a more expensive administration? Yes, the increased expenditure which will be necessary will be met by the Government of India from central revenues.

148. But if the Government of India are paying a large portion of their expenditure, will not the Government of India expect to have control?—The Government of India is controlling us all right.

149. Yes, of course, they are, now?—And will be controlling us all right.

150. They are paying a large part of your expenditure now, and they have got the control?—The control of the expenditure now.

151. You are taking away the control from them, and expect them to pay your expenditure. Is that a reasonably proposition?—The question is simple enough. We are serving them as the doorkeepers. Whatever the Government of India give us they give us as wages, and I have never heard a master say that when wages are paid the servant should not have control over his wages.

152. *Lord Burnham*: Is not it the army that is the doorkeeper?—No, the army is not to be controlled by ministers.

153. But is not the army the doorkeeper?—The doorkeepers are the people here. We are supporting the army. The army alone would not keep the door.

154. *Colonel Lane-Fox*: But why do you say you are supporting the army?—Whenever there is anything happening the brunt of the whole show falls on our shoulders. The army fights, no doubt, but look at our people who volunteer their services, who come forward, who do everything that is necessary to keep internal peace.

155. Do you think that the rest of India will agree to pay a large share of your expenditure?—But the rest of India has already agreed in the Nehru Report. They knew we were a deficit province. They knew that this province had to be a separate province.

156. Who have accepted it?—The Nehru Report.

157. We are not talking about the Nehru Report?—The rest of India and the Assembly has accepted the report. Take the case of the Assembly. You deliberately pass a resolution in 1926 with all this report before you, that it was a deficit province, and that the Government of India will always have to contribute towards its expenses, and the Assembly unanimously accepted this resolution that notwithstanding all these difficulties the Reforms should be extended to this province, and full-fledged Reforms should be granted. That was in 1926. If you find that it is almost impossible to contribute money

to keep up this separate province, then we have got no objection; send us back to the Punjab.

158. *Lord Strathearn*: If you would like to have a legislative council in this province, how many members would you suggest to serve on that council?—The number of members is, I believe, given in the Nehru Report as 30.

159. Would that satisfy you?—It will be quite enough for us for the present, though we must say that we are for the franchise on a liberalised basis.

160. The 30 members would be sufficient in the legislative council, you think?—Yes, for a small province 30 members would be quite enough.

161. *Dr. Suhrawardy*: You just now referred to a resolution of the legislative council passed unanimously, you said, in 1926?—Yes, March, 1926.

162. I think you are referring to the motion of the 14th March, 1928, adopted without a division?—It was in 1926. That is the second one.

*Sir Abdul Quyum*: Yes, that was the second one.

163. *Dr. Suhrawardy*: Was the first one passed unanimously?—Yes, that was without division.

164. *Mr. Hartshorn*: Was not that the occasion when all the Swarajists walked out?—That is why it was unanimous?—They considered the case was so very strong they could not resist it.

*Sir Abdul Quyum*: The walkout was long before the resolution.

165. *Dr. Suhrawardy*: In 1928, in March, the legislative council again voted a motion without a division?—Yes.

166. And the Hindu leader of the National Party, Lala Lajpat Rai, spoke in support of it, and appealed to the Hindus of the province for support?—Yes, that is the fact.

167. *Chairman*: You will excuse me. I think Mr. Hartshorn was quite right, and the correction was a mistake. I have been looking in the book. On the 16th February, 1926, a resolution was moved in the Legislative Assembly recommending that the provisions of the Government of India Act should be extended to the North-West Frontier Province. Then I read: "The actual initiation of the debate coincided with the walk-out of the Swaraj Party with the exception of some of its Muslim members." So I think Mr. Hartshorn was quite right.

*Witness*: May I submit one thing there, that the Swaraj Party's leader is Pandit Motilal Nehru, and he is responsible for a report in which he has completely accorded us what we ask.

168. *Chairman*: You cannot tell us what the arrangements in that report about the finance of this province were?—Quite, because probably, sir, you may have read in the papers that Pandit Motilal Nehru tried to give a reply to this question, and he said as they were going to start with a clean slate it would be then time to consider that.

*Chairman*: A clean slate without any finance. I see.

169. *Dr. Suhrawardy*: You say the advanced Mahomedans want the same measure of responsible government here as might be granted to the rest of India?—Right.

170. Do you realise that the rest of India at the present moment is in the enjoyment of what is known as a diarchical system of government, whereas you have none?—Quite.

171. And you have not had any experience, either, of an elective system even in local bodies?—Yes.

172. Then in view of this, as a practical statesman, would you still say that you should have the same measure of advance which may be granted to the rest of India, or would the political aspirations of the Advanced Party be satisfied with the first instalment of reforms under the Montagu-Chelmsford scheme?—Most decidedly not. We say that we are educationally, socially, and in every respect just as good as the rest of India. Why should we be left?

173. I know. I have said in view of the fact that you have not had that experience which the rest of India has had for the last ten years?—So far as experience is concerned, across the border in







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*Khan Sahib Sardar Gulhan Khan* : I should like to say a word or two, if I may. In the first place, there was some difficulty being mentioned about the tracts and the five settled districts as far as their distinction was concerned. I think when I say that our Chief Commissioner has got a dual post and he is called Chief Commissioner and Agent to the Governor-General that question will be explained by it. For the five settled districts he will be our Chief Commissioner, and for the tracts he will continue to be Agent to the Governor-General. In this case that difficulty, I think, can be passed over. As far as the financial position is concerned, I think if you think parochially and not Imperially, and also intend acting parochially, further discussion on our part would be unnecessary. Our province has got a peculiar position, and for this it is necessary that the honourable Conference should think not parochially but Imperially.

249. *Chairman* : If you will allow me to say so, I think the best thing to do is to think practically. Practically is the better way to regard it, surely, is it not ?

*Khan Sahib Sardar Gulhan Khan* : I was coming to that, Sir. So in this case, when the financial position is considered, just as Sir Denys Bray said in the Assembly the finance question should not come in, because if that question comes in we can at once ask : "Why have you given reforms to Madras ? If Madras was not protected by the navy, where would Madras be ?" So as far as the expenditure is concerned, I think, Sir, either we should have reforms without any consideration being paid to the financial position, or, if we cannot have it, as our spokesman said, then we want to be re-amalgamated with the Punjab. There are three positions : either we can have this separate entity, or we can be amalgamated with the Punjab, or there is a third position, that if it is small enough we can take a portion of the Punjab and have it added to this province, for instance, a portion of Multan and a portion of the Rawalpindi divisions ; but if that is not suitable, the question is that we have been separated from the Punjab. If we are wanted to be a part of India, in that case we want reforms : and if we are not wanted, if this manly and virile race is not wanted, then we can be told at once, and in that case I would suggest that we may be left alone.

250. *Lord Burnham* : I understand the point you are making is that the whole of India, you included, is protected at the cost of the British taxpayer by the British Navy, and that therefore, as Great Britain pays for the defence of the whole of India at sea, so you are entitled to a contribution for the support of all India for the land frontier ?—Exactly.

251. Some curious arguments follow from it, as of course you see ?—If the whole of India is one entity, and we are part and parcel of India, and we are wanted to be in India, in that case reforms must be given.

*Sir Abdul Qaiyum* : And we have it on the authority of Sir Denys Bray that the peace and tranquillity of India depend to a large extent on the contentment of the North-West Frontier Province.

*Khan Sahib Sardar Gulhan Khan* : The honourable Conference has been interrogative. May I put one

question to the honourable Conference—whether we are wanted or not ? If the answer is in the affirmative, of course, I think the financial position can be easily overcome ; but if we are not wanted, in that case we will think for ourselves, and we will see, because it is our right that we should determine ourselves for our self-development. Another thing that was asked was whether, when the second instalment comes to the rest of India, we should have that along with it or not. So in that case probably it was thought that because we had no training we could not manage it. I may tell you, Sir, that Pathans are born politically-minded, and when I remind the honourable Conference that before the separation of this province, when our five districts formed part of the Punjab, out of these five districts my district stood first in the whole of the Punjab.

*Chairman* : I should just like to say a word to you before we leave. I would like to assure you that the whole Conference is very much impressed with the importance and the gravity of what you have been urging. We are bound to put questions to you for the purpose of bringing out your answers to the difficulties, because there are great difficulties, no doubt, for all those who wish to face the questions that arise in this part of the world in a really practical and statesman-like spirit. It is not very difficult, of course, to use metaphors and dispose of the thing in a phrase, but, of course, you are helping us to consider the thing from the point of view of practical statesmanship. If I may speak for myself, I feel a very great deal of sympathy with the view of those who say that if there are practical difficulties in the way, they are not of their own making, and that they are entitled to have very special consideration, because it is really in the interests of India as a whole that these areas are maintained separate to this day. You may be quite sure that we shall bear that consideration very fully in mind. And if I may address the last speaker, although for some purposes the difficulties are very great, that does not mean that we fail to understand the respects in which communities in this part of the world have made great and most valuable progress. At the same time, gentlemen, this is one of the most difficult practical questions connected with the future constitutional arrangements of India, and the desire of the Statutory Commission here is to listen most impartially and carefully to all that is said, and we welcome all suggestions that are made, and you may be quite sure that if we are able to reach any recommendations at all, they will be reached as regards this part of the world with the most sincere desire to see that your case has full weight.

*Khan Bahadur Saaduddin Khan* : We are thankful to you for giving us such a patient hearing, and for the sympathetic words that you have been pleased to say.

*Chairman* : I understand that the Khans who are here are here to show us that there is a substantial body of opinion among the Khans which is generally sympathetic with this deputation, more sympathetic to that point of view than to the point of view put this morning.

*Khan Bahadur Saaduddin Khan* : That is exactly it. Thank you very much.





## MEMORANDA OF THE ANGLO-INDIAN AND DOMICILED EUROPEAN COMMUNITY OF INDIA. [Continued.]

number received military decorations, and more were mentioned in despatches: the first zeppelin in the war was brought down by a member of the domiciled community. In addition large numbers of our women were employed as Army Nurses, while others helped to form working clubs at which comforts were prepared for the use of our troops at the Front. Almost 80 per cent. of the manhood of the community was engaged in every theatre of war besides in the I.D. Force—a record of service, we feel sure, is unparalleled in the annals of the British Empire and for which a gracious recognition was conveyed in the message of His Royal Highness the Prince of Wales to the deputation that waited on him in India in 1923:—

Gentlemen, you may rest assured that I now understand the conditions under which you live in India and the useful and honoured place which you fill as citizens in the Indian Empire. Your aims and aspirations have my sympathy. Your devotion to the cause of India, the land in which you live, and your desire to maintain an honoured place for her within the Empire do you credit. I shall watch the progress of your community with the closest attention. You may be confident that Great Britain and the Empire will not forget your community, who are so united in their devotion to the King-Emperor and who gave such unmistakable tokens of their attachment to the Empire by their great sacrifices in the War.

Many promises were held out to those who went to the front by Government and their employers, but very few materialised, and although land was given as a reward to various Indians who served during the war, we do not know of a single instance in which an Anglo-Indian has been so rewarded. Meanwhile Government continue to draw upon our loyalty as a source of strength and stability. Repeatedly we have been placed in the unfortunate position of open economic and political antagonism to our Indian brothers. It may, indeed, almost be said that our present insecure position and the manifest hostility with which we are regarded by a section of disaffected Indians, in consequence of our share in the maintenance of law and order is our only reward for our loyalty and we fear it may still further recoil on our descendants.

Such briefly has been our record of service and, in view of the part we have played in the evolution of the India of today, we feel that we have a special claim with the Britisher to statutory protection of our economic interests. Moreover, we are the sons of the soil, who not only have our roots in the country's past, but will live, work, and die here in the pursuit of our avocations.

## STATUS.

In accepting our position as statutory natives of India we do not consider we are called upon to abandon our individuality as a community. In this connection we would refer to Earl Winterton's definition of our status in the House of Commons in December 1925, when, in answer to questions, he said:—

For purposes of employment under Government and inclusion in schemes of Indianisation, members of the Anglo-Indian and domiciled European community are statutory natives of India. For purposes of education and internal security, their status, in so far as it admits of definition, approximates to that of European British Subjects.

But there is an unfortunate tendency at present for both European and Indians to reverse the application and disown and disinherit the Anglo-Indian. For example, as members of the Auxiliary Force, we share the task of internal defence with the British Army, but when it comes to a question of admission into the army we are asked to accept the conditions of service of an Indian Sepoy. Again, to all intents

and purposes, we are ineligible for appointments reserved for the European and yet under the scheme of Indianisation, the Indian refuses to recognise or accept us as Statutory Natives of India, as is evidenced by the numerous interpellations by Indians in the various legislatures; e.g., in a debate in February last on the railway demand for grants Mr. K. C. Neogy, M.L.A., remarked that, while they had been crying for Indianisation, Gidneyisation had been proceeding apace; he wanted "pure-blooded Indians, i.e., Indian Indians" for the railways. And at the fourth session of the All-Indian Railwaymen's Convention in 1927, the President complained that "99 per cent. of the superior appointments were held by Anglo-Indians; this was not Indianisation."

If in our allegiance to the British we have succeeded in estranging the Indian element to such an extent that our demands have come to be scrutinised with jealous vigilance, amounting at times to open hostility, we are entitled to expect that our legitimate claim as statutory natives of India to inclusion in any scheme of Indianisation should be placed beyond dispute or challenge.

With the proviso, therefore, that our military, educational, and economic claims are not prejudiced, we unequivocally accept and endorse the status which has been accorded to us of "Statutory Natives of India."

## PROTECTION.

Time was when the Anglo-Indian community was liberally employed in all departments of Government and filled posts of responsibility in the Services, but the process of excluding Anglo-Indians may be traced back for many years, and every measure of reforms granted to India has witnessed the process of Indianisation of the services accelerated at the expense of Anglo-Indians and domiciled Europeans, who have been replaced steadily and insidiously, by Indians. With the policy of Indianisation itself and the legitimate aspirations of Indians, the Anglo-Indian community, themselves statutory natives of India, have never been and can never be inimical. As one of the permanent communities of India, we wish to affirm our loyal acceptance of and support to the reforms and our full sympathy with the progressive realisation of self-government on well-measured lines for India within the Empire. But, as a people who have built up and worked the various departments of Government and who have deserved every consideration at the hands of the Government and of India, we strongly protest against the manner in which the policy of Indianisation has been manipulated to our disadvantage.

This is exemplified in the sudden changes which have been made in the system of recruitment into the provincial and some of the higher services. For some time prior to the 1919 reforms appointments to these services were made by nomination from suitable Anglo-Indian and Indian candidates. The former were required to hold a Senior Cambridge or equivalent secondary school final examination certificate. The latter were required to possess a University degree. The reason for this difference was not, as many have supposed, a preference given to Anglo-Indians, but because for such appointments an Indian who had a secondary education only was not considered to be sufficiently qualified in English, a disability that did not apply to the Anglo-Indian, whose mother-tongue is English. Consequently, while Indians qualified by passing through universities, Anglo-Indians stopped short at the limit of secondary education; and when Government suddenly made a University degree a *sine qua non* for admittance into these Services, Anglo-Indians were taken at a serious disadvantage. This was aggravated by the fact that the educational syllabus imposed by Government on European Schools was not designed to lead up to Indian Universities, but was devised to meet the requirement of Europeans and Anglo-Indians under the old conditions, and it needs adjustment to adapt it to the changed circumstances of the



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We would here refer to the action taken by some provincial governments, who, in recent circulars, e.g., "Recruitment Rules for Bengal Services for 1928" issued by the Bengal Government, clearly demonstrate that their chief desire is to satisfy the extravagant demands of Hindus and Muslims for certain fixed percentages in all departments; (the allotment for Muslims in the Bengal circular being 45 per cent.) unmindful, except as an unimportant afterthought, of the interests of the domiciled community who helped to build most of these departments. Indeed, the decision of communal percentages seems to be the outcome of pacts between the Government on the one hand and Hindus and Muslims on the other, with little or no consideration for the domiciled community. Again, in all arrangements between Indian political parties, it is always a question of Hindu *versus* Muslim, the Anglo-Indian being regarded by both as an alien and outside the pale of their consideration. This exclusion is due no doubt to the fact that percentages are calculated on the basis of population. We submit that this is unjust, as it is not the entire Hindu and Muslim population which is in competition with Anglo-Indians for these appointments, but, merely the literate sections who possess a secondary or higher education. It is, therefore, necessary that the system of calculating percentages should be revised. Consideration should also be given to the fact that in India, where every employment tends to develop into a caste, certain communities have grouped themselves for generations into particular services, thereby acquiring a special aptitude in these departments, e.g., Madrasis in finance, Sikhs and Gurkhas in the Army, Bengalis, in offices and law and Anglo-Indians in the railways. It is to the advantage of the State that communities should continue to be employed in those services for which they are best fitted.

We would point out that the Montagu-Chelmsford Report made special reference to the need for our protection in para. 346, and that there is a definite safeguard provided in the "Instrument of Instructions given to the Governor-General and Governors." If we are to remain statutory natives of India without danger to our economic existence, these or any other economic safeguards will need to be rigidly enforced. That paragraph admits that the Anglo-Indian on historic grounds has a strong claim on the consideration of the British Government, and that Government must acknowledge and must be given effective power to discharge the obligation to see that his interests are not prejudicially affected. In 1923, a communal representation was received in deputation by the Secretary of State for India which set forth our grievances, but, it was because we continued to feel that these grievances had not been redressed and that the powers given to the authorities had not been adequately exercised to safeguard our interests that the community in India sent a deputation to England in 1925 which was received by the Secretary of State for India. When it is borne in mind that, notwithstanding all these statutory safeguards, the economic interests of the community have been prejudicially affected by the Reforms already granted, it cannot be denied that we have some justification for viewing the future with grave apprehension. In saying this, we have no desire to oppose the progressive realisation of self-government in India, but, to point out that it is proceeding at a rate which is prejudicial to the vested interests of the Anglo-Indian community which more than any other has a claim to consideration equally on historical, moral and economic grounds.

We would here refer to the speech made by Col. Applin M.P., in the House of Commons on the India Office vote in 1926 and Earl Winterton's reply:

Colonel Applin: "But we have one responsibility in regard to which I hope the noble lord will try to do something later on, that is, the responsibility

to those people known as Anglo-Indians. We are personally responsible for their existence. They are neither British nor Indian, but they are in an extraordinary position. Under our laws we have called them statutory natives of India; under another law we call them British subjects. They fall between two stools. Whenever any form of real self-Government comes to India I want to ask the noble lord if Lord Birkenhead has come to any decision as to the status of the Anglo-Indian in India, and whether any hope has been held out to them in regard to the only services, in which they are fit to take part. The Anglo-Indian is only able to take part in certain activities. He is quite unable to do ordinary labour. He has in the past lived as a servant in the Government in some subordinate position. He has aspired to the Indian Medical Service. Except very rarely the Anglo-Indian does not hold a high position but occupies various subordinate positions. These are gradually being taken by Indians. It is up to us who still have all the appointments in our Civil Service, to see that the Anglo-Indian has fair play, is given the same work in India as a British subject, and is given some sort of status there."

Earl Winterton: \* \* \* Then there was a question with regard to the position of Anglo-Indians, and I should like to say that everyone must sympathise with the difficulties and disabilities which that community suffers. The hon. and gallant member who raised this question will agree that those difficulties and disabilities, which may have been aggravated by the Government, are mainly due to quite other causes. Their status and their future, and the question as to what can be done for them by the Government in order to reduce their difficulties, are under consideration at the present time. A number of them came to this country on a deputation a year or so ago, were received by the Secretary of State and had a full opportunity of putting their views before him. Communication has gone on since between the Secretary of State and the Government of India on the subject."

How great a menace displacement from the Services is to the community will be appreciated when it is pointed out that these are its main avenues of livelihood, and, if they are closed, no others are open to it. The community being accustomed to European modes of living, has an economic standard much above that of the Indian, which makes competition with the Indian entirely impossible. The Anglo-Indian cannot take to menial or agrarian occupations. Emigration owing to the colour bar, is possible only for a few. The Army is practically closed to it. Vocational training is advocated for Anglo-Indians with a view to greater employment in industry. Some advantage might be gained from this if European business firms, such as Jute mills, factories, etc., would, instead of importing labour from the United Kingdom, undertake to employ and train the youth of the community, as is to-day being successfully done for the Jewish community by Jewish mills in Bombay; but, while a bright industrial future lies ahead of India, it is questionable, judging from present indications, that the Indian will allow Anglo-Indians any great share in the expansion. We might here quote a paragraph from "India, 1925-26" with advantage:—

"It should be noted at the outset that, with the exception of the Anglo-Indian community, and the educated Indian middle classes whose case has been already discussed, there is broadly speaking no unemployment problem in India. Even to numbers of the educated middle classes, unemployment is not normally the ruinous disaster which it is to their confrères in Western countries for the joint family system, which is one of the outstanding features of Indian social life, guarantees them the means of existence if nothing more. It is a very



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many questions on Anglo-Indian Railway employment that are being asked daily in the Legislative Assembly and though they realise that our community furnish more reliable, if slightly more expensive, railway workers, they do not seem to have the courage to say so to the Indian M.L.A. questioner. In their anxiety to conciliate these questions, they overlook the fact that, for employment purposes, Anglo-Indians are statutory natives of India and that a service manned by Statutory Indians cannot possibly be more Indianised; and thereby expose themselves to the charge of perpetuating a difference between Anglo-Indians and Indians. Their answers seem to convey the impression that the community is being retained on the railways, not for its intrinsic worth, which has been abundantly proved, but, by favour of the European official who himself is being pressed by Government to put into effect the policy of Indianisation. Although agents state they cannot run the railway efficiently without their Anglo-Indian and domiciled European workers, Government insist, not only on the appointment of a larger number of Indians, but, on their rapid promotion to the upper subordinate grades, apparently to show in each year's Railway Budget a marked increase in Indianisation, possibly with a view to winning over the Indian opposition to their demands for grants. There are numerous instances in the Legislative Assembly where Indian members have moved large cuts on the plea that Indianisation of the Services is not being given effect to, the attacks being directed at Anglo-Indians.

Assurances of protection have, it is true, from time to time been given to the community by various Commerce Members and even by the Right Honourable the Secretary of State for India; and the Government of India have, we sincerely believe, made a genuine endeavour to carry them out, but their resistance seems to have proved unequal to the yearly increasing pressure for Indianisation. To-day, although we still enjoy a favourable percentage of appointments on the railways, our future position is anything but assured. Indeed we consider it is in jeopardy and, unless protection is afforded us in the shape of a definite enactment, it will not be long before we meet the same fate in the Railways as we have met in other Government Departments. This would be a poor reward to a community on whom Government relies whenever Indians go on strike, as evidenced by the 1923 East Indian Railway strike, when even Anglo-Indian school children cleaned the railway carriages and our lads left their schools to work this railway to enable H.R.H. the Prince of Wales to travel in comfort and safety when he visited India. Again, in 1927, it was our loyalty that kept the Bengal Nagpur Railway open to traffic and prevented the strike from spreading to other railways, and in the present East Indian railway strike we are again witnessing the part ever played by our men who are performing even menial work in their efforts to keep the Howrah Railway Station open to goods and passenger traffic and to prevent the present strike from spreading.

That the Government are appreciative of our services and are fully alive to their responsibilities on our behalf has been clearly enunciated more than once by the official spokesman in the Legislative Assembly. Only last March the Honourable Sir George Rainy, Commerce Member, in the course of the Railway Budget debate, remarked: "The point I want to make plain, if I can, is this. There are certain things that we cannot do. For one thing, we could not—I think my friend, Sir Charles Innes said so before—oust Anglo-Indians from the appointments the individuals actually hold in order to replace them by Indians. There is also another aspect of the case to which I think it is necessary to refer here. When, as a matter of history, members of a particular community have held a very large number of appointments of a particular class, inevitably the whole

economic organisation of the community becomes involved with that fact. That is a point that the Government of India cannot possibly ignore and to take measures which would summarily involve a sudden violent dislocation of the economic existence of an important community would clearly be a matter in which the Government of India ought to proceed very cautiously. I want to give that warning."

This was supported by the Honourable Mr. A. A. L. Parsons, Financial Commissioner, Railway Board, in the speech he delivered in the Legislative Assembly when he said: "I must now turn to a wider and I think a more difficult subject which was briefly touched upon at the beginning of Pandit Kunzru's speech. There is a community whose interests are most ably represented in this House by Colonel Gidney, who by their energies did obtain a very considerable proportion of appointments with which we are now dealing. There is a community whose energies were given to the great benefit of railways at a time, I think I am right in saying, when railway work of that character did not make the appeal to, at any rate, some other classes of the inhabitants of this country which it now does. We are not dealing here with any question of providing in accordance with the policy of the Government, for the representation of a minority community in certain services. Those orders are well known and I do not think affect the present case, for it is certain that the Anglo-Indian community have at least their share of these appointments. On the other hand, times have changed. The Railway Board recognise that there are now members of other communities who would like to come into these appointments and I am sure my honourable friend himself has no objection to these appointments being thrown open to them and has no fear that his own community will in the long run suffer by a severer competition in a wider field. I am attempting to make an appeal to this House to deal in a spirit of no heat with an important question. The position actually is, therefore, that the Railway Board have informed agents that they consider that Indians should be given the same opportunities of showing their aptitude and capacity for these posts as Anglo-Indians, with the result that they are obtaining an increasing number of these posts. The latest figures I have got show for example, that in 1927, among the subordinates drawing Rs. 250/- per mensem and over, there was a reduction of 50 Europeans, a reduction of 44 Anglo-Indians, an increase of 121 Hindus, an increase of 38 Muslims and an increase of 50 of "other classes." I think that is all that it is right I should say on that question. I hope I have made it clear that the Railway Board do not consider Indians of any community unfitted for these particular appointments and I have made it clear that where there are vestiges of racial discrimination left, if they are brought to our notice, we are prepared to examine them, and, if we can, remove them. We do not want to have different grades of pay or different terms of service for any particular community in this country, and, while hoping that we shall still retain the services of that community which has served us so well in the past, we do hope to see a larger number of young Indian boys coming into these subordinate services."

While we are grateful for these individual assurances which afford protection to the present employees they carry no permanent protection or safeguard even for a stated period; on the contrary they not only imply that more Indians will be employed in the future, a claim we do not and cannot dispute, but, also, that in the policy of Indianisation of Railways the community apparently occupies the position of a separate class, apart from all other Indian communities. But how can Anglo-Indians, who are statutory natives of India, be replaced by other natives of India, i.e., Indian Indians? Surely Indianisation does not imply ex-Anglo-Indianisation.

Indianisation, however, has been proceeding apace, and during the year 1924 many of our men were

## MEMORANDA OF THE ANGLO-INDIAN AND DOMICILED EUROPEAN COMMUNITY OF INDIA. [Continued.]

discharged from the railways, in some instances to make room for Indians on a cheaper rate of pay; while the years 1925-26 and 1926-27 witnessed a phenomenal increase in the employment of Indians.

Despite the fact that we are admitted on Railways as Statutory Natives of India, and though Government stresses it in the Legislative Assembly as entitling us to equal rights with all other communities, the Indian refuses to accept it. It would be idle to deny the right of the Indian to employment on Railways, but we, who built the Railways, strongly protest against any definition of Indianisation which would spell usurpation of Anglo-Indian employment on the Railways. We regret to state that to-day to almost every Indian, whatever be his political creed, the Anglo-Indian is for occupational purposes as much an alien as the purest-blooded Britisher. The Indian wants the Anglo-Indian to declare himself an out-and-out Indian before he will recognise his equal claims. This will be evident from a perusal of the Legislative Assembly debates in which occur hundreds of interpellations from the Indian showing resentment at the position we have earned on the Railways and further desire to deprive the Anglo-Indian of his right, as a Statutory Native of India, for continued employment. Indeed, the Honourable Member representing the community on the Legislative Assembly, Colonel Gidney, has frequently been accused of sailing under false colours. Mr. Rangachariar, a former Deputy President of the Legislative Assembly, who was very emphatic about the terms on which the Indian would accept the Anglo-Indian and include him in his proportions of employment, in a memorable speech in 1923 remarked that "not until the Anglo-Indian thought as an Indian, did as an Indian," in other words, not until he threw aside his statutory position and British heritage, would the Indian accept him. Mr. K. C. Neogy, M.L.A., in a speech delivered on the 24th February, 1928, in the Legislative Assembly went further and said, during the discussion of the Railway Demands for Grants, that he spoke for the "pure-blooded Indians"—"the Indian Indians"—and not for those who claim an admixture of other blood. All this goes to prove that the Indian resents the present employment of Anglo-Indians and Domiciled Europeans on the Railways and that, while avowing that he does not wish to oust him, he is anxious to get rid of him as soon as he can and that by Indianisation he practically means ex-Anglo-Indianisation. There is also, we regret to add, evidence that the policy of Government is one of appeasing the Indian and that each year they are weakening in their resistance to Indian clamour. Under such conditions it is surely not surprising that the community, which has rendered time honoured service to the Railways in India, and which, by such employment, is consequently so closely welded to Indian Railways, is apprehensive of its future and resents this endeavour on the part of the Indians to displace them.

The table of statistics, as given below, extracted from the Government of India Report by the Railway Board on Indian Railways for 1925-26 and 1926-27, Volume II, giving the grand totals of the various communities employed on all Indian Railways for all grades of employees from the menial to the official, will show that in 1926-27, out of a total of 7,62,553, there were 4,998 Europeans, 14,007 Anglo-Indians and 7,43,548, Indians and "other classes" which works out to a communal percentage of—

Anglo-Indians 1·88, Europeans 0·69 per every hundred Indians.

It might be said that, as this total of Indians includes all types of menials it is not a fair method of working out communal proportions. Even if we accept this, it must be remembered that a large number of Anglo-Indians are to-day employed as booking clerks and on the Crew system on Indian wage rates. Many Anglo-Indian youths are to-day being employed as English-speaking *agwallahs* (i.e., firemen) on Indian wages; indeed, the tendency on

most railways to-day, especially on new extensions, is to reduce all salaries to the present Indian rates. This is detailed to show that there are many Anglo-Indians who, rather than face the ghastly privations of unemployment are working to-day on Indian wages, though their standard of living is much higher.

A more accurate estimate can be obtained by ascertaining the actual number of Anglo-Indians employed as lower subordinates; take our total employment on Railways; i.e., 14,007 in 1926-27; deduct from it 3,765, which represents our total upper subordinates and 168, which represents our total officials; the balance of 10,073 represents the number of Anglo-Indians working as lower subordinates, drawing salaries from about Rs. 35 to under Rs. 250 p.m.

## REPORTS BY THE RAILWAY BOARD ON INDIAN RAILWAYS FOR 1924-25, 1925-26 and 1926-27.

## VOLUME II. APPENDIX C.

*Statement of Number of Servants of all races employed on all Railway systems (open lines only) at the close of the years 1924-25, 1925-26 and 1926-27.*

Years.	Number of Servants Employed.					
	Euro- pean.	Statutory Indians.				
		Hindus.	Muslims.	Anglo- Indians.	Other Classes.	Total.
1924-25	5,567	542,430	164,389	—	*32,830	745,216
1925-26	5,008	542,239	168,086	13,675	22,595	751,603
1926-27	4,998	550,925	168,322	14,007	24,301	762,553

\* The number of Anglo-Indians was concealed under the guise of, and together with "Other Classes."

## PERCENTAGE OF COMMUNAL EMPLOYMENT.

Anglo-Indians 1·88 per 100 Indians.

Europeans 0·69 per 100 Indians.

## STATEMENT SHOWING TOTAL INCREASE IN MILEAGE ON INDIAN RAILWAYS.

—	1924-25	1925-26	1926-27
Route Mileage	34,424·57	34,695·82	35,131·95
Track Mileage	47,211·67	47,752·04	48,497·52

*Upper Subordinates.*—Whereas, about a decade ago there were very few Indians as upper subordinates, a reference to the statistics as given below, extracted from the Reports by the Railway Board on Indian Railways for 1925-26 and 1926-27 Volume I, will show that in 1925-26 there were 1,572 and 1,693 in 1926-27, replacing nearly 800 Europeans and in 1927-28 replacing 44 Anglo-Indians—a fact which supports the belief that, in response to the clamour of Indians, Indian subordinates and office clerks are being promoted to appointments as upper subordinates at a phenomenal rate, promotions for which our men have had to serve 20 to 25 years and for which hundreds of them are to-day still patiently waiting to obtain. Although we hold more upper subordinate appointments than Indians to-day, the totals for the year 1926-27 work out at Europeans 2,076, Anglo-Indians 3,765, and Indians and other classes 2,454, demonstrating that, whereas but a few years ago Europeans and Anglo-Indians were almost exclusively employed as upper subordinates, in 1926-27 Europeans held 25 per cent., Anglo-Indians 44·4 per cent., and Indians and other classes 29·6 per cent. These statistics also show that within the year 1926-27 the number of European upper

## MEMORANDA OF THE ANGLO-INDIAN AND DOMICILED EUROPEAN COMMUNITY OF INDIA. [Continued.]

subordinates had decreased by 50 and Anglo-Indians by 44, while the number of Indians including "other classes" had increased by 216. If this rate is continued it will not be long before there will be no European or Anglo-Indian upper subordinates on the Railways.

REPORTS BY THE RAILWAY BOARD ON INDIAN RAILWAYS FOR 1924-25, 1925-26 AND 1926-27.

VOLUME I. APPENDIX F.

*Statement of Subordinates drawing Rs. 250 per mensem and over or on scales of pay rising to Rs. 250 per mensem and over, employed on Class I Railways.*

Item.	Total.		
	1925.	1926.	1927.
TOTAL—			
Europeans ... ..	2,412	2,128	2,076
STATUTORY INDIANS—			
(a) Hindus ... ..	1,482	1,572	1,693
(b) Muslims ... ..	239	247	285
(c) Anglo-Indians ...	—	3,809	3,765
(d) Other Classes ...	*3,689	419	476
Total ... ..	7,822	8,173	8,295

\* The number of Anglo-Indians was concealed under the guise of and together with "Other Classes."

COMMUNAL PERCENTAGE—

- (1) Europeans ... .. 25.0 per cent.
- (2) Anglo-Indians ... .. 44.4 per cent.
- (3) Indians including other classes 29.6 per cent.

*Superior Services.*—The statistics as given are obtained from the Reports by the Railway Board on Indian Railways for 1925-26 and 1926-27 Volumes II, show how the various communities are situated. Whereas a decade ago, there were very few Indian Railway Officials, it will be seen that, in 1926-27 Europeans held 1,520 appointments; Indians, including "other classes" 454, and Anglo-Indians 169, which works out to Europeans about 70.9 per cent. Indians and other classes 21.1 per cent. and Anglo-Indians 8 per cent.

REPORTS BY THE RAILWAY BOARD ON INDIAN RAILWAYS FOR 1924-25, 1925-26 AND 1926-27.

VOL. I. APPENDIX F.

*Statement of GAZETTED OFFICERS of corresponding rank employed on Class I Railways.*

Item.	Total.		
	1925.	1926.	1927.
TOTAL—			
Europeans ... ..	1,485	1,496	1,529
STATUTORY INDIANS—			
(c) Hindus ... ..	252	294	312
(b) Muslims ... ..	45	56	78
(c) Anglo-Indians ...	—	152	169
(d) Other Classes ...	*166	47	54
Total .. ...	1,948	2,045	2,143

\* The number of Anglo-Indians was concealed under the guise of, and together with "Other Classes."

COMMUNAL PERCENTAGES.

- (1) Europeans ... .. 70.96%
- (2) Anglo-Indians ... .. 8.00%
- (3) Indians including other classes 21.10%

A reference to the speech made by the Honourable the Railway Member in opening the 1928 Railway Budget Debate increases the apprehension of the community with regard to its future as far as official appointments are concerned. Speaking in the Legislative Assembly when presenting the Railway Budget, with reference to Indianisation of the Superior Railway Services, Sir George Rainy said: "I have some general remarks to make as regards the financial position of the Railways, but, before I come to them, there is one other matter to which I should like briefly to refer, I mean the progress made in recruiting Indians for the superior services on the Railways. Members will find a very full account of what has been done in the past two years on pages 66 to 72 of the Railway Board's report on Indian Railways for 1926-27; but, I am in a position to supplement the information there by some further and later figures. 32 per cent. of the permanent gazetted appointments created in 1925, and of the vacancies which occurred during that year in such appointments on State-managed Railways were filled by Indians. In 1926-27 the percentage practically doubled; it was over 62 per cent. This year, on the latest available figures; it seems probable that 42 Indians will be appointed to Superior Railway Services, including the 13 candidates who, as announced last week, were successful in the examinations for the Indian Railway Services of Engineers and the Transportation and Commercial Departments of the State-managed Railways. We are only expecting 18 European recruits this year for the State-managed Railways, so Indians are likely to obtain 70 per cent. of the appointments. We are rapidly reaching the percentage recommended as our aim by the Lee Commission. So far I have only been referring to permanent appointments. But we have also succeeded recently in obtaining a much larger proportion of suitable Indian recruits for the temporary Engineers posts on the State-managed Railways which our large construction programme requires. When, in 1925, we began to recruit temporary Engineers in large numbers, we first of all advertised in this country for them; but the immediate response was not as good as we could have wished, and we only succeeded in obtaining 28 sufficiently well-qualified men of whom seven were Europeans. In order not to hold up the programme of development we had therefore to obtain recruits from England through the High Commissioner and we got from him in all 43 temporary officers on three year agreements, of whom 9 were Indians and the rest Europeans. Subsequently, in January, 1927, we advertised again for recruits in India and obtained a much more satisfactory response; we have consequently stopped the recruitment of temporary engineers in England altogether. Since January, 1927, we have obtained 20 temporary engineers in India of whom 18 are Indians, and we have now got arrangements for maintaining a register of approved candidates for employment, to whom appointments are offered as they fall vacant. I am conscious that this reference to Indianisation breaks the sequence of my speech, but, I thought the House would be glad to have these figures before the general discussion on the budget takes place."

Thus it will be seen that the Government of India have Indianised 70 per cent. of Superior Railway appointments created within a few years, though, the Lee Commission recommended 75 per cent. in about 25 years or more. If this 70 per cent. included a fair proportion of Anglo-Indians and Domiciled Europeans there would be no need for apprehension, but, as far as is known, 95 per cent. of these recent 70 per cent. Indian appointments have been given to Indians—very few to Anglo-Indians. The reason for this is not far to seek. In 1925 the Railway Board issued regulations governing the entrance into most superior railway services which insisted on a degree qualification through a severe competitive examination. The Government of India was well aware that there were very few Anglo-Indian

## MEMORANDA OF THE ANGLO-INDIAN AND DOMICILED EUROPEAN COMMUNITY OF INDIA. [Continued.]

graduates and that by this sudden alteration the door was being practically closed to us, who, up till then, in return for our work and worthiness, had been able to enter the Superior Services by promotion from the subordinate grades, on some Railways to the extent of about 50 per cent. To make matters worse, and almost synchronising with this, the Railway Board passed orders that only 15 per cent. of subordinates were to be promoted to the official grades. Thus again the opening was considerably narrowed, and it will be seen that the Government of India have not only practically closed the door to us, but have opened it wide to the Indian. In other words the community that helped to build up the Railways, and who, but a few years ago supplied a high percentage of their officials has, in less than a decade, been denied adequate consideration by the Government in its desire to satisfy the clamour for Indianisation. To add to our difficulties the Anglo-Indian upper subordinate, however efficient, finds it very difficult to enter the official grade to-day because the majority of the 15 per cent. promoted subordinates are selected either from covenanted Europeans or Domiciled Europeans.

A further prejudicial factor is disclosed by a reference to these statistics, in which the total for Anglo-Indian officials in 1927 is shown as 169. As there was a suspicion that this total included a large percentage of acting official appointments, enquiries were made from Railway Agents and from official replies so far received it appears that about 40 per cent of these 169 Anglo-Indian official appointments are of a temporary or officiating character, and, which, unless confirmed, are of little value to the community, whose employment as officiating officials means to the Government the extraction of first class labour at a minimum wage on a temporary basis until such time as a permanent imported European or decreed Indian is available. We would point out that these appointments are of particular importance to the Community as it is from these grades that Selection Committees are formed to recruit subordinates.

At this rate of Indianisation of the Superior Railway Services 70 to 80 per cent. of officials will be Indians within the next 10 to 15 years. Prejudicial and unfair as this is to those of us who aspire to become officials, it will react with even greater intensity on the Anglo-Indian lower-subordinates, i.e., the firemen, ticket collectors, etc., who eventually become the upper subordinates, because they are appointed weekly by Selection Committees consisting of Railway officials. Anglo-Indians are seldom on these Selection Committees, because we have so few permanent officials in the community. If in time 70 per cent. of Railway Officials are Indians, then, these Selection Committees must necessarily be composed of a larger number of Indian Officials and it is only natural to expect that they will appoint Indian applicants as subordinates in preference to Anglo-Indians. That this apprehension is not imaginary has lately been proved when an Indian Railway Official, delegated to select men for a new Railway system, exhibited marked communal preference. "Indianisation of the service is, of course, a political as well as an administrative problem, and it is quite reasonable to argue that as far as some of the Indian services are concerned political arguments may safely be allowed to prevail. But it will be acknowledged that the Railway is not one of these services."

In making these criticisms, we have no desire to appear ungrateful for the employment Government has hitherto given us in our struggle against great odds, though it is a generally-accepted fact that Anglo-Indians have proved themselves worthy of such treatment; nor are we dissatisfied with the present number of Anglo-Indians employed as lower and upper subordinates. It is not the present that we fear, but the future, and it is to safeguard ourselves against possible developments in the future that the following demands are suggested for the considera-

tion of the members of the Indian Statutory Commission.

*Protection.*—1. That the present number of Anglo-Indian and Domiciled European lower and upper subordinates be not reduced for a further period of 50 years.

2. That owing to the manifest injustice consequent on the sudden change of policy in the matter of recruitment to the Superior Railway Services, which now demand a degree qualification, the I. A. or I.Sc. be accepted as a qualifying examination for another 30 years.

3. That 15 per cent. of Superior Railway competitive appointments be reserved for nomination by the Government of India.

4. That for the next 30 years 50 per cent. of the 75 per cent. appointments in the Superior Services reserved for Indianisation be obtained by the promotion of approved Anglo-Indian and Domiciled European upper subordinates. This will enable a fair number of Anglo-Indians to enter the Superior Services till such time as they are able to equip themselves to compete on equal terms with Indians.

5. That only those, who, have admitted themselves Statutory Natives of India receive the benefits of the above demand, to attain which

(a) all Railways should take necessary steps to ascertain this information;

(b) the question "Are you a Statutory Native of India?" should be embodied in the agreement form enlisting an employee, as is done for all Provincial Civil Services.

6. That the promotion of covenanted European subordinates be not included in the above, but, their appointments be confined to the 25 per cent. reserved for European Officials.

7. That irrespective of any other suggestion, and in view of the large numbers of Anglo-Indians in the subordinate service whose interests are at stake, a certain number of Anglo-Indian officials or non-officials be appointed to every Selection Committee when subordinates are being selected.

8. That any measure of protection afforded us be specifically included in any enactment that may be the outcome of the Indian Statutory Commission's Report.

*Reasons for Demand.*—The demand for special protective measures, for a limited period is based on the following facts and considerations. Any attempt to displace us too rapidly from our present position of economic security must inevitably result in crippling the education of our children, by which alone we can hope to compete with the Indian.

2. The loyal and meritorious services we have rendered to the Railways from their very inception, and to India, and the great part we have consequently played in the opening up of the trade, commerce and industries of India.

3. The accumulated revenues Anglo-Indian employees have helped to bring to the Government of India during the past 70 odd years of Railway administration in India.

4. The fact that about 14,007 of its Anglo-Indian members and about 3,000 Domiciled Europeans are enlisted in the Indian Auxiliary Force and thus constitute a valuable asset to the internal defence of India. This compulsory enlistment of Anglo-Indians and Domiciled Europeans, as a term of employment, is not exacted from Indians. The Community is very proud of the honoured place it occupies in the Auxiliary Force and would be the last to suggest any alteration, but it submits that such employment, in a measure, augments its claims for special protection in a Department it has not only built up, but, protects, and because the Community can always be depended on during strikes or other crises.



## MEMORANDA OF THE ANGLO-INDIAN AND DOMICILED EUROPEAN COMMUNITY OF INDIA. [Continued.]

## INDIAN TELEGRAPH DEPARTMENT.

The Indian Telegraph Department is yet another instance of an utility service in which the Anglo-Indian and Domiciled European Community has, in the role of pioneer workers, done the spade work, faced the dangers of isolated existence spent in the jungles, exposed to various diseases, and after continuous labour of over half a century, developed it, stage by stage to such a condition of utility and perfection, that with the improved status and enhanced salary of its employees, it began to attract the Indian. With the rapid progress of Indianisation taking place in all the services it seems certain that in a very short time the Anglo-Indian Community will be displaced by the Indian in this service also.

*Past History.*—It is an irrefutable fact that the foundations of the Indian Telegraph Department were laid and the traditions built up exclusively by the Anglo-Indian and Domiciled European Community. We have but to take our memories back to the 1857 Indian Mutiny to appreciate the great part played by the Department, for, had it not been for the Indian Telegraph Department, it is quite likely that the history of India would have been a different one. Apart from the services rendered to Government by this Department as a whole, the annals of the Indian Mutiny afford ample evidence of the heroic conduct of many Anglo-Indian Telegraphists, among whom the name of Brendish, to whose memory the late Lord Curzon, when Viceroy of India, unveiled a monument in the Imperial City of Delhi, will live for ever as one, who, despite the massacre of his comrades whilst on duty, displayed the greatest presence of mind and courage by standing at his post and sending that memorable message across the telegraph wires, which not only arrested the advance of the Mutineers, but enabled the British troops to take prompt and effective action and so saved for England the whole of the Punjab or, as Sir Robert Montgomery put it, "the Electric Telegraphs saved India." These words were repeated by Lord Curzon at the unveiling ceremony. It might well be contended that for this act alone the Anglo-Indian community has a special claim for protection in the Telegraph Department. From the Mutiny to the recent Great War, the Indian Telegraph Department has played a great part in all campaigns in India and Burma, as also in Mesopotamia, and not only has it nobly responded to the stress of its daily work on such occasions, but Anglo-Indian members have freely volunteered for active service, many of whom were mentioned in despatches and received honours. Moreover, the Anglo-Indian and Domiciled European members of this Department have supplied and still supply a large contingent to the old Volunteer Corps, the I.D.F. and to-day, as members of the Indian Auxiliary Force, form an effective defence, protecting in times of need telegraph offices and their lines of communication. It is also well known that Anglo-Indians and Domiciled Europeans of the Telegraph Department were almost exclusively employed in the various North-West Frontier Expeditions, Chen Lushai and Chen Hills Expeditions, and in the Burma War of 1886.

*Effects of Indianisation.*—Till the year 1878 every Branch of the Department was manned entirely by Anglo-Indians and Domiciled Europeans, and, although, in subsequent years, Indians were gradually admitted into it, the Government of India found it necessary, as recently as 1902-3, to make a definite pronouncement that the percentage of Anglo-Indians and Domiciled Europeans employed in the Department should not fall below 66⅔ per cent. This percentage was steadily maintained till about 1916, after which year, notwithstanding the orders of the Government of India, more Indians entered and the percentage of Anglo-Indians dropped to about 50 per cent. in 1920. It was mainly during this period, 1916-20, on forceful representations being made by the Anglo-Indian and Domiciled European employees

of this Department, that Government realised its obligations towards them and raised their salaries status, and prospects. It was in this much improved and attractive condition that the Reforms began to operate on this Department, but, since the year 1920, and notwithstanding the fact that Anglo-Indians are Statutory Natives of India, their percentage has gradually but steadily decreased till to-day it has fallen to about 40 per cent. We are naturally apprehensive of a still further decrease and unless early and adequate protection is given the same fate awaits the community in this service as has overtaken it in almost every other Government Department.

*Statistics.*—In support of this statement we desire to quote figures of Anglo-Indian and Indian employees from one of the largest Presidency Telegraph Offices in India—Calcutta :—

1913-1918.			
Anglo-Indians	...	...	329
Indians	...	...	99
1918-1923.			
Anglo-Indians	...	...	252 (decrease 77)
Indians	...	...	178 (increase 75)
1923-1928.			
Anglo-Indians	...	...	166 (decrease 163)
Indians	...	...	242 (increase 143)

These figures show a decrease of 50 per cent. within a short space of 15 years and may be taken as applying to the Department generally—a poor return for a community that has rendered such great and meritorious services to the Empire. It is true that to-day members of the community enjoy a large share of the Superior appointments reserved for subordinates of the Service as also the Superior Traffic Service appointments and the upper subordinate grades, this condition is not only departmentally justifiable, but, naturally right as being the just reward to subordinates, who, after long and continuous years of service by sheer merit and ability have advanced step by step to some of the highest posts. In the lower subordinate grades, however, there is a steady increase of Indians who will, in time, occupy the upper and superior appointments which are held to-day and which will be held for a few more years to come by the present generation of Anglo-Indians. We also understand that, as a result of a reduction of 25 per cent. in Home recruitment into the Superior Telegraph Services, these appointments will be recruited by open competitive examination in India, in which an University degree will be demanded and which, in itself, owing to our paucity of graduates, will practically close this door of recruitment to members of the community.

The Right Honourable Lord Birkenhead, Secretary of State for India, when he received the 1925 Anglo-Indian Deputation, acknowledged the great services rendered by the community to the Empire in the Telegraph and Railway Departments. If any further recent evidence is required it can be obtained from the Annual Reports submitted by one of the ablest Directors-General, Posts and Telegraphs, Sir Geoffrey Clarke, I.C.S., an administrator who frequently stated in public that, but for the Anglo-Indian and Domiciled European employees, the Telegraph Department in India could not be administered as efficiently as it was done during his Directorship.

We have no desire, indeed, we would not refute the right of other Indian communities to seek and be given employment in the Telegraph Department, but, we feel we have more than an ethical claim on the Government to protect the position of the Anglo-Indian and Domiciled European community in this Department, for it is our prerogative, as Statutory Natives of India, to share in the full benefits of Indianisation and an adequate percentage of appointments in those departments in which we have for generations shown particular aptitudinal ability and in which



## MEMORANDA OF THE ANGLO-INDIAN AND DOMICILED EUROPEAN COMMUNITY OF INDIA. [Continued.]

## (2) Customs Appraisers' Department, Calcutta.

	No. of Indians employed.
1908 ... ..	Nil
1909 ... ..	1
1910 ... ..	3
1914 ... ..	5
1917 ... ..	8
1920 ... ..	9
1922 ... ..	10
1924 ... ..	18
1926 ... ..	20
1927 ... ..	22
Present Strength Indians ...	22
Present Strength Anglo-Indians and Domiciled Europeans ...	16
Sanctioned Strength ...	38

## POSTAL SERVICE.

Indianisation has practically shut out the community from the Superior and Upper Subordinate Grades of this Service (excluding Telegraphs), in both of which, at one time, it held many appointments. This exclusion has been the development of many years. A reference to the statistics given will support this statement. We make no complaint against the lower subordinate appointments, especially in the mofussil, because the standard of living and the customs and habits of Anglo-Indians and Domiciled Europeans are such as to preclude them from living on such small wages and in Indian villages.

In the Probationary Superintendent's Department it will be noticed that not a single member of the Community has been appointed since 1924, and it must be remembered that it is these officers who are appointed Reserve Superintendents and eventually rise to the grade of Postmaster-General. Unless this rate of Indianisation is checked and members of the Community are appointed, we shall disappear from this Department. At present there appears to be some unwritten law that is excluding Anglo-Indians from entering the Department as Probationary Superintendents. A reference to the Postmaster grades of Rs. 700-800 and Rs. 350-650 shows that a fair number of Anglo-Indians are employed, but these are men who started as subordinates and are to-day reaping the benefits of their earlier labours. In the Rs. 250-350 grade Indians are in the majority. We desire that one-third of these appointments should be held by Anglo-Indians. It is, however, in the lower grade of Postmasters from Rs. 160-250 that the effects of Indianisation are very pronounced, for here there are 123 Indians and only five Anglo-Indians. Again, in the Grade of Inspectors of Post Offices, Rs. 160-250, in the Provinces of Bengal and Assam all the appointments, 89 in number, are held by Indians, a condition which we believe obtains in other Provinces. As regards the mofussil officials there are 1,851 Indians employed and not a single Anglo-Indian. Items 10 and 11 of the statistics given add further testimony to the fact that the Community is all but excluded from these grades, there being 1,186 Indians as against 10 Anglo-Indians. It seems that in this Service there is no room for further Indianisation.

## SUPERINTENDENTS IN INDIA, Rs. 300-750.

181 APPOINTMENTS.

(1) Indian. Vacant. European & Anglo-Indian.		
130	2	49

## PROBATIONARY SUPERINTENDENTS, Rs. 200.

15 APPOINTMENTS.

(From 1924-27.)

(2) Indian. Vacant. European & Anglo-Indian.		
15	Nil.	Nil.

SUBORDINATES WHO HAVE BEEN PERMITTED TO APPEAR FOR THE SUPERINTENDENTS' EXAMINATION AND WHO HAVE PASSED.

(3) Indian.	European & Anglo-Indian.
41	5

POSTMASTERS, Rs. 700-800. 4 APPOINTMENTS.

(4) Indian. Vacant. European & Anglo-Indian.		
Nil.	1	3

POSTMASTERS, Rs. 350-650. 37 APPOINTMENTS.

(5) Indian. Vacant. European & Anglo-Indian.		
19	3	15

POSTMASTERS, Rs. 250-650. 116 APPOINTMENTS.

(6) Indian. Vacant. European & Anglo-Indian.		
82	2	32

POSTMASTERS, Rs. 160-250. BENGAL & ASSAM.

134 APPOINTMENTS.

(7) Indian. Vacant. European & Anglo-Indian.		
123	6	5

INSPECTORS OF POST OFFICES, Rs. 160-250.

BENGAL &amp; ASSAM. 89 APPOINTMENTS.

(8) Indian.	Anglo-Indian.*
89	Nil.

OFFICIALS IN MOFUSSIL—TIME SCALE OF PAY.

(9) Indian.	European & Anglo-Indian.
1,851.	Nil.

OFFICIALS IN CALCUTTA G.P.O. & T.S.O.s IN TIME SCALE OF PAY. 1,020 APPOINTMENTS—Rs. 50-160.

(10) Indian. Vacant. European & Anglo-Indian.		
1,002	11	7

RESERVE OFFICIALS IN CALCUTTA G.P.O. & T.S.O.s.

187 APPOINTMENTS—Rs. 50-160.

(11) Indian. Vacant. European & Anglo-Indian.		
184	Nil.	3

## POLICE.

That Indianisation has effected us prejudicially in the Police Service is instanced in the case of the Calcutta Police. Taking one department of this Force, the Thanass (Police Stations), we find that before Indianisation set in practically every Thana in Calcutta had a European or Anglo-Indian in charge. Indeed, 30 of these appointments were held by Anglo-Indians. To-day only four are held by them. The remaining 26, which include all the principal stations, are held by Indians. Besides this, a system of Police Outposts has been introduced to deal with work of an inferior nature, to which Anglo-Indians are preferably posted, with the result that they receive no training in investigation and are rarely appointed to Thanass. By this means the Anglo-Indian element has been almost entirely eliminated, and Indianisation is proceeding apace despite the great need for neutral officers in this Service, as was demonstrated in the recent Hindu-Moslem riots.

The same state of affairs exists in the superior grade of the Calcutta Police. Statistics show that in 1915, out of a total cadre of 12 Assistant Commissioners of Police, there were only four Bengalis, while to-day the position is completely reversed and there are eight Bengalis holding such appointments as against two held by Anglo-Indians.

## THE INDIAN MEDICAL DEPARTMENT.

(MILITARY BRANCH.)

The Indian Medical Department, which is the Junior Medical Service doing duty with British troops

under the orders of the R.A.M.C., has been in existence for nearly a hundred years. It is recruited entirely from the Domiciled Community and is employed for duty only with British Troops, though a certain percentage is employed in the various Provincial Civil Medical Services, as also in Jails and Asylums. Its members to-day receive a course of five years' professional training in the Medical Colleges of Calcutta and Madras under eminent I.M.S. Professors and have hitherto received a Diploma which is of purely departmental significance, but of inferior market value to the Indian qualification. There is no need to enlarge on the past record of service of the Department. Suffice to say that, in whatever sphere of duty it has been employed, in peace or war time, in India, or out of it, members of the I.M.D. have not only proved themselves a credit to their department and to their community, but have added lustre to the annals of the Army and the profession to which they belong. Many of them have, by open competition, entered the I.M.S. and risen to the highest ranks, such as Sir Patrick Hehir, K.C.I.E., K.C.B., late D.M.S., Mesopotamia and Northern Command, India; Col. J. Sykes, Col. O'Gorman and many others.

The Army Department has always insisted on British origin as a condition precedent to recruitment into this department. In former days recruits were selected by officers commanding British regiments, generally from the sons of soldiers, who had the option of receiving their pay either in sterling or in rupees and to retire in England, if they so wished. Recruitment is still a jealous preserve and is even to-day confined entirely to the Domiciled Community—men of British origin with British traditions, culture, customs and manners.

Since the Great War, the differential treatment meted out to this Department, as compared with other departments in the I.U.L., (the Indian Unattached List) and the I.M.L. (the Indian Miscellaneous List), is a typical instance of the disabilities and injustices which attend the dual status given to us and its practical application in a Department where Anglo-Indians and Domiciled Europeans are enlisted and enrolled, not as European British subjects, but as British Warrant Officers, is so markedly unjust that it has frequently been referred to the Army Department, but so far without result. The Indian Unattached List consists of such departments as the Indian Army Service Corps, Indian Army Ordnance Corps, Military Works Corps, etc.

The Army Member stated in the Legislative Assembly, in reply to a question asked him, that this differential treatment was due to the fact that the I.M.D. (1) is recruited entirely from the Domiciled Community, and (2) is not a part of the British Army, but an integral part of the Indian Army.

We desire to draw the attention of the Commission to these two points, as they demonstrate the post-Reform attitude of Government towards the Community.

(1) It is admitted that the Department is recruited entirely from Europeans, Domiciled Europeans, and Anglo-Indians in India, but a similar recruitment obtains to-day in the I.U.L., and, though Anglo-Indians do not figure so largely in it, we know of many Anglo-Indians serving in the I.U.L. Indeed, it is not an uncommon occurrence to find an Anglo-Indian father serving in the I.M.D. while his son is enlisted in the I.U.L., or two brothers serving in different departments one in the I.M.D., and the other in the I.U.L. Moreover, all the departments in the I.U.L. and the I.M.L. are now Indian Corps formed and recruited in India. True, the bulk of recruitment into the I.U.L. and I.M.L. is from seconded men of the British Army, but, by their recruitment in India and their employment in an admittedly Indian Corps these men, *ipso facto*, accept an Indian or Asiatic domicile for employment purposes, a fact which places them on the same footing with the I.M.D. The place of recruitment is the pivotal point in regard

to the determination of domicile in all other departments of the Government of India to-day.

(2) This statement is obviously incorrect. The I.M.D. is as much an Ancillary branch of His Majesty's Land Forces in India as is any department in the I.U.L. Moreover, whereas the I.U.L. are largely used with Indian troops, the I.M.D. can be attached only to British Army units (*vide* para. 43 a and b, "Regulations for the Medical Services of the Army in India"). This para. together with para. 132 of the "Order of Precedence (British Ranks) Regulations for the Army in India," establishes beyond dispute that members of the I.M.D. are "British King's Commissioned Officers" or "British Warrant Officers in the Regular Land Forces of His Majesty's Army in India." Again, Warrant Officers of the I.M.D., are, by Regulations, given precedence over every other British Warrant Officer. For purposes of discipline, the I.M.D. come directly under Army orders and not under the Indian Army Act. Moreover, a member of the I.M.D. is sworn in and attested on joining the Service the same as is a British soldier under the Articles of War and the Army Act. He is, therefore, as much a British Warrant Officer as any member of the I.U.L. and neither the place of recruitment nor considerations of colour can deprive him of his claim.

A survey of the past history of the Department shows that in earlier days members of the I.M.D. were attached for duty permanently to particular British regiments, under the disciplinary control of the officer commanding. When on active service, they formed part of that particular regiment in exactly the same way as the I.M.S. and the R.A.M.C. formed part of the regiments they served, before the introduction of the Station Hospital System. There is not a single regulation, order, or instance on record to prove that a member of the I.M.D. has ever been attached to an Indian regiment, except temporarily. On the other hand, one has only to recall the campaigns in which British troops from India have participated to realise the extent to which the I.M.D. has been requisitioned for service with British regiments and formed part of the medical personnel. Both regimental and departmental records furnish conclusive evidence of this. One could quote authorities *ad infinitum* in support of the contention that the I.M.D. although recruited in India, is more an integral part of the British Army than any other Department either in the I.U.L. or the I.M.L. In view of this, the finding of the Army Member, to which we have referred above, cannot be allowed to pass unchallenged.

Before the Great War, all these sister Departments were treated more or less as equals. No one thought of such an entity as the "Domiciled" or the "Anglo-Indian" community as distinct or different from any other community from which the Ancillary branches of the Army were recruited. Such a differentiation is essentially a post-war phase of thought. Unfortunately, it has not only operated to the detriment of the I.M.D. but, incidentally, has caused much unnecessary bitterness by creating a cleavage between the members of these Services, with no possible object, that we can see, except to safeguard the future of the British soldier against the inroads of Indianisation. The recent liberal enhancement of pay and pensions to the I.U.L., which is nothing more nor less than a miniature Lee concession has materialised largely, as a result of the influence and pressure that members of the Department have brought to bear on the Army Authorities, through Heads of Military Departments at Army Headquarters. Incidentally, there is not a member of the I.M.D. employed in the offices of the Army Department.

This favoured treatment to the I.U.L. which will add to the already over-burdened Military Budget a sum amounting to Rs. 15,25,000 while the cost of the time scale of promotion will amount to an additional sum of Rs. 1,00,000 per annum, is rendered all the more inexplicable by the fact that

## MEMORANDA OF THE ANGLO-INDIAN AND DOMICILED EUROPEAN COMMUNITY OF INDIA. [Continued.]

## THE INDIAN AUDIT AND ACCOUNTS DEPARTMENT.

*History of Recruitment.* Two distinct branches originally constituted the Indian Audit and Accounts Department, (1) which dealt with Civil Accounts, known as the "Enrolled List," and (2) the former "Accounts Branch of the Public Works Department", or the "Public Works List."

(1) *Enrolled List.* All appointments up to 1886 were made in India from successful competitors at an examination of nominated candidates. The nominees at two out of every three examinations were Europeans and Anglo-Indians, and at the third were Indians of unimixed descent.

*Indianisation.*

The Public Service Commission of 1886 recommended for recruitment into this Department that—

- (a) Indirect agency should be more largely introduced;
- (b) Open competitive examinations should take the place of competition after nomination;
- (c) Chief Superintendents should be promoted;
- (d) Worthy Provincial Service Officers should be promoted; and
- (e) Government should continue the right of special selection.

All these were accepted by Government except (b), as they considered the reasons for the system of nomination still applied. The maximum appointments to be assigned to Chief Superintendents and the officers mentioned in (d) were fixed at one-third of the total, exclusive of those reserved for the Indian Civil Service. In this way it was thought that the great majority of the officers so appointed would be Indians of unimixed descent and that the adoption of this method would accordingly give effect to recommendation (a). The proposals were approved by the Secretary of State for India, but, nomination at every third examination was modified by the substitution of "Statutory Natives of India" for "Indians of unimixed descent."

In 1899 an important change was made in the method of recruitment of the European branch of the service. It was found that suitable European candidates were not forthcoming in India, and it was decided that they should be selected in future by the Secretary of State in England. The effect of this change may be summarised as follows:—

- (a) Not less than 45 per cent. of the appointments were to be given to non-Domiciled Europeans recruited in England;
- (b) Not less than 22 per cent. were to be filled by competitive examination of nominated candidates in India, such recruitment being restricted to Statutory Natives of India;
- (c) A proportion not exceeding 33 per cent. might be given to Chief Superintendents or other Officers specially promoted, who would ordinarily be Indians of unimixed descent.

*Competitive Examination excludes Domiciled Community.*—In the same year the standard for the competitive examination in India was made to approximate to that of the M.A. course of the Calcutta University in Mathematics and Science; the practical effect of which, owing to the paucity of Anglo-Indian and Domiciled European graduates, was the entire exclusion of members of the Domiciled Community. In practice recruitment under (c) was carried out to such a small extent that there was one Indian for every two Europeans in the Enrolled List.

*More Indianisation.*—In 1909 the Government of India, to still further advance the employment of Indians, decided, with the approval of the Secretary of State, to regulate recruitment to ensure an equal distribution of appointments between pure Indians on one side and Europeans and Anglo-Indians on the other. The European element was to be mainly provided for by appointment in England while in India competitive examination was to be the ordinary

method of selection, but, Government reserved to themselves the right to promote able subordinates and to make direct nominations.

(2) *The "Old Accounts Branch of the Public Works Department."* In 1893 this Department was reorganised to give effect to the recommendations of the Public Service Commission, their decisions being that—

- (a) recruitment should be in India; and
- (b) appointments should be made in three ways:
  - (i) nominated candidates selected by competitive examination;
  - (ii) promotion of deserving accountants and
  - (iii) transfer in exceptional cases of officers from the engineer establishment.

The nominees at two out of every three examinations held for appointments to be filled by (b) (i) were to be Europeans and at the third to be Statutory Natives of India. The maximum number of appointments filled by (b) (ii) was not to exceed one-third of the appointments filled by the first and second methods together. The Government also reserved the power of making special appointments.

In 1899 it was decided that the recruitment should be partly in England as follows:—

- (a) In England by the appointments of Cooper's Hill men to a limit of four-ninths of the vacancies;
- (b) In India by the promotion of deserving subordinates to the extent of three-ninths of the vacancies;
- (c) In India by competitive examination of nominated candidates to the extent of two-ninths of the vacancies.

The recruitment in India was to be restricted to Statutory Natives of India, but Government continued to reserve the power to make special appointments.

In its practical application a very large proportion of the three-ninths vacancies assigned to promoted subordinates had gone to men of European parentage, and, possibly, as a result of the competitive examinations being placed below the University standard, and as more Europeans and Anglo-Indians than Indians were being nominated, most of the two-ninths vacancies were also held by members of the Domiciled Community. The result was that only a small proportion of these appointments were held by Indians.

*Still more Indianisation.*—In 1905 Lord Morley wrote he was not satisfied that the principle of furthering the employment of Indians in posts of responsibility had yet been applied to the fullest extent possible in this Department. The Government of India were opposed to any reduction in the proportion of Europeans recruited from England, but, in order to give effect to Lord Morley's wishes, they agreed that only one-ninth instead of three-ninths of the vacancies should be used for the promotion of Accountants in very exceptional cases and that four-ninths instead of two-ninths be filled by competitive examination in India of nominated candidates who were Statutory Natives of India. It was proposed to substitute for nomination by the Accountant-General a system of selection by the Government of India. By these means and by raising the standard of the examination, Government hoped to satisfy Lord Morley and to ensure that the great majority of appointments filled in India should go to Indians.

*Competitive Examination again excludes Domiciled Community.*—In 1910, separate examinations for these two Departments were abolished, and since then, an annual examination for the supply of candidates to what is now called, the "General List" is held. As this competitive examination demanded a degree it resulted in the entire exclusion of the Domiciled Community which, in those days, had very few graduates. The Government of India in

## MEMORANDA OF THE ANGLO-INDIAN AND DOMICILED EUROPEAN COMMUNITY OF INDIA. [Continued.]

meeting Lord Morley's wishes quite forgot the fact that Anglo-Indians and Domiciled Europeans were Statutory Natives of India, and were as much entitled to some consideration under such sudden changes in their schemes of Indianisation. The result of this policy has been that from 1910 to 1928 only one member of the Domiciled Community has entered by open competition into the "General List," now called the "Indian Audit and Accounts Service."

*Statistics.*—Recruitment by promotion of deserving subordinate Accounts Officers however, still continues and the Community, up to now, has been given a fair share of these promotions, but, whereas in 1913, the composition of the Superior Service was as follows: 70 Europeans, 42 Anglo-Indians and 46 Indians, or percentages of 44.30 Europeans, 26.45 Anglo-Indians and 29.25 Indians, in 1928 there are 44 Europeans, 20 Anglo-Indians and 112 Indians, or percentages of 25 Europeans, 11.36 Anglo-Indians and 63.64 Indians. At this rate within the next decade or so there will be no Anglo-Indians or Domiciled Europeans in this Service, and there will be no subordinate promotions because there will be no members of the community to promote.

*Effect on Community.*—The closing of the doors of the Department to the community by the demand for a degree and the sudden introduction of a competitive examination for the Superior Services, especially at a time when we were educationally unprepared, has affected it very adversely and it feels that it has a right to a proper share of representation, especially as many of its members have in the past made a mark in the Department and have risen to the highest positions.

*Subordinate Grade.*—In the subordinate grades our position is even worse than in the official grades. This is due to official response to the clamour of Indianisation by Indians and the failure of Heads of Departments to carry out the Government of India orders to protect the interests of minority communities. Losses due to these causes should be made good in both clerical and accountants' grades. Moreover our interests have been entirely neglected by Heads of Departments allowing the "Establishment Sections" of most, if not all, accounts offices to be manned and superintended by Indians, men who have power and who naturally protect the interests of their own communities. In former years there was a large number of the community in all Accounts offices in India and Burma, to-day there are very few, or practically none. Up to 1910 the community held five to seven per cent. of the posts in Accounts Offices, to-day they hold less than one per cent. of these posts. There is no dearth of qualified Anglo-Indian and Domiciled European candidates for this grade as hundreds of our boys pass the necessary examinations every year from our European Schools. Furthermore over a hundred Anglo-Indian and Domiciled Europeans are to-day yearly graduating, some of whom are available for such appointments.

*Remedies.*—(1) Government should apply to the Principals and Headmasters of European Schools and Colleges for suitable candidates for the lower grades and in this manner remedy what is obviously a grievous wrong.

(2) For the next 25 years, when we hope to be educationally fitted to run a level race with the Indian, we suggest that in addition to admission by open competition, 15 per cent. of the vacancies in the Indian Audit and Accounts Service should be given to the community to be filled by nomination by Government and that Principals of Colleges be asked to submit the names of suitable students.

## EDUCATION.

*Introduction.*—We have dealt with the need for protecting the economic security of the parent for at

least a period of years; we now come to the no less urgent necessity for assisting him to establish the economic security of his children by protecting, aiding and guiding European education so as to make it productive of the best results. We do not think it can be seriously contended that the brief and sharply-defined protection that we demand for a struggling community, overwhelmed by sudden and revolutionary changes, will operate to destroy its morale. Since it will be given frankly in circumstances of unusual stress and with the deliberate object of setting it on its feet, the community will not be slow to realise its responsibilities and rise to the occasion.

*Historical.*—Up to the time of the Indian Mutiny, the East India Company paid little attention to the education of children of European descent, although from 1813 onwards it had done much to advance the education of Indians. The defect was in part made good by individual servants of the Company, who, like Clive, accepted Britain's responsibility, at least for the maintenance and education of poor and destitute European and Anglo-Indian children, whom they rightly regarded as part of the price for Empire. When the Indian Mutiny broke out there were schools for children of European origin all over the country. They were maintained by private enterprise, and received no financial support from the Court of Directors.

When the Mutiny had been suppressed, a wave of gratitude to Anglo-Indians set in, and the British Government sought for some channel through which it might find practical and adequate expression. Lord Canning and Bishop Cotton entered into consultation, with the result that in his sermon in St. Paul's Cathedral, Calcutta, on Sunday, the 18th July, 1860, the Metropolitan of India recommended that public thanksgiving "to Almighty God for deliverance from the Sepoy Revolt" should find outward expression in the establishment of schools for the children of a community that had so nobly stood by England in her hour of need, and had shed their blood for their kinsmen across the seas." Lord Canning entered *con amore* into the scheme, and in his minute dated October, 1860, declared that, if neglected, the Anglo-Indian Community would become "a class dangerous to the State," and "a glaring reproach to the Government"; whereas "if cared for betimes, it will become a source of strength to British rule and of usefulness to India." He argued that Anglo-Indians "have a special claim upon us. The presence of a British Government has called them into being." Public subscriptions were raised, to which were added donations from the Anglican Church and the Government to establish "hill schools" to supplement the Christian denominational European schools on the plains. A few years later, in 1876, Lord Lytton, Governor-General, realising that the State was not adequately discharging its obligation to educate the Anglo-Indian community caused Archdeacon Baly to survey the condition of European education in India. The Archdeacon toured the country and submitted his report. It was then that Lord Lytton wrote his celebrated minute—Revenue Department (Miscellaneous Revenue) Resolution, dated Calcutta, the 31st August, 1881. In it he declared, "It has been rightly said that one very special reason why Government cannot afford to ignore the growing up in India of an uneducated European population is that, in the case of the European, his capacity for self-maintenance depends entirely upon the education he receives. He cannot support himself in this country by working as a day labourer, or by adopting the avocations of the native peasant. An uneducated European must necessarily become an idle and profitless and often a dangerous, member of the community. On the other hand, it must be remembered that he (or his English ancestor) was brought out to India originally to do work that could only be done by the European, a fact which in itself had given him some claim to consideration. The climate is

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## MEMORANDA OF THE ANGLO-INDIAN AND DOMICILED EUROPEAN COMMUNITY OF INDIA. [Continued.]

Their pupils are distributed as follows :

	Scholarship		
	Male	Female	Total
College Stage	255	185	440
High School Stage	1,557	1,277	2,834
Middle Stage	1,830	1,756	3,586
Primary Stage	11,817	11,518	23,335
Special School Stage	1,029	103	1,132
Lower or Infants Stage	49	23	72
Total	22,537	21,661	44,198

Statistics derived from the Census of 1921 show that about 1.50 per cent. of the Anglo-Indian population is between the ages of 5 and 14 years. The expectation therefore would be 25,700 children in European schools. The excess of 8,498 in these schools represents children of pure European parents, age, and a small amount of middle-aged children, e.g., Parsies, Jews, Armenians, and Americans generally. An interesting fact emerges from these figures, that in a country where there is no compulsory education, no system of maintained schools, no child labour, no unemployment of labour, comparatively poor people by strenuous effort every year save, even to the extent of making no provision for old age or family, are paying for the education of one per cent. of their children, children whom in England would be putting to bed in the privilege of receiving free instruction.

The Census Returns for 1921, and the statistics given in Vol. V, *Statistics of British India*, 1921, are not identical with each other, the differences are not appreciable. From the available sources it appears that—

- (A) 1 European or Anglo-Indian out of every 150 is in the College stage.  
1 Hindu out of every 5,773 is in the College stage.  
1 Mohammedan out of every 15,058 is in the College stage.
- (B) of pupils in schools and colleges—  
1 out of every 80 European and Anglo-Indian pupils is in the College stage.  
1 out of every 91 Hindu pupils is in the College stage.  
1 out of 260 Mohammedan pupils is in the College stage.
- (C) Cent. per cent. of European and Anglo-Indian boys are being educated.  
12 per cent. of Hindu and Mohammedan boys are being educated.  
Cent. per cent. of European and Anglo-Indian girls are being educated.  
1 per cent. of Hindu and Mohammedan girls are being educated.

Satisfactory to the Domiciled Community as are the above comparisons, equally satisfactory to them is the result of a comparison with the educational statistics in England. In the latter country 3 per cent. proceed from the elementary to the secondary stage. The corresponding percentage for Anglo-Indians is 22; and if exact figures could be obtained of the ever-increasing number of Anglo-Indian boys and girls who go to England for secondary, technical and university education the scales would turn still further in their favour. And here it should be observed that in the 444 European schools in India and Burma, there cannot be fewer than 15,000 orphans and destitute children, the sons and daughters, many of them of British fathers, who died prematurely perhaps, leaving their wives and children stranded in a distant and now more or less unfriendly land. The Poverty Commission appointed by the Government of Bengal in 1891-92 to investigate European and Anglo-Indian poverty in Calcutta, reported that 19 per cent. of these people were in

utter destitution and living on public or private charity. The Pickford Committee of 1918-19 estimated the percentage at 17. This is a trustworthy account of the average economic condition of the white man and his descendants in India before and during the War. But their post-war condition is considerably worse. For Indianisation of the public services has so prejudicially affected them that they are less able even than formerly to shoulder unaided the entire responsibility for the education of the poor of their community. And yet they are bearing 65 per cent. of cost of their schools, leaving Government to meet only 35 per cent. The reduction of the educational grants during the operation of the Riforms is lamening in a crisis, for the schools and that they may be compelled to send away many of the children to whom they have been affording a home and education, unless the best grants are made good. To come, higher education is a luxury to others, an advantage to Anglo-Indians it is life itself. For the less education the community receives, the less will be its earning capacity, and the greater its poverty, until in want of education and consequent unemployment, cause and effect will practically merge into an identity.

*Cost of European Education.* The schools for European and Anglo-Indian children are maintained by (a) Christian Organizations, (b) Railway Systems, (c) Private corporations and (d) Government. Of the 444 European schools in India only 14 are maintained by Government. Thus, the public duty of educating a community is transferred from the State to religious bodies and private enterprise. This is clearly brought out by the expenditures in 1921-22, the date of the last Quinquennial Report on European Schools—

Year.	EXPENDITURE.				
	Government Funds.	Railway Funds.	Fees.	Endowments, Subscriptions, &c.	Total.
1921-22	16,50,968	21,653	49,67,770	56,53,835	1,32,73,226

Remarking on the above tabular statement the Commissioner for Education, Government of India, writes in his Report on the progress of education in India during the Quinquennium ending 1922. "The outstanding feature of the above table is the very high proportion of the cost (about 65 per cent.) which is met from fees and private sources. The corresponding figures for Indian education . . . show that only 35 per cent. of the total expenditure is met from fees &c." The Commissioner adds: "It is satisfactory to note that when the cost of European Education rose with the general rise in price after the war, the greater part of the educational expenditure was met by the community itself in the shape of increased fees." While the cost to Government of each European scholar rose from Rs. 81/- to Rs. 103/-, the average fee paid for each scholar rose from Rs. 80/- to Rs. 108/-. In Bombay and in the Punjab the appreciation of the fee rate is phenomenal. In Bombay the cost to Government of each scholar fell from Rs. 101/- to Rs. 100/-, while the average fee rose from Rs. 68/- to Rs. 121/-. In the Punjab Government expenditure fell from Rs. 195/- to Rs. 190/- per scholar while the average fee paid rose from Rs. 113/- to Rs. 211/-. The readiness with which the Anglo-Indians pay for education fees that are generally out of proportion to their average income, is eloquent testimony to the universal recognition that the economic existence of the race lies in, at least, a secondary education.

In Great Britain the inhabitants are homogeneous and of the same culture, and there is a common line of poverty. They supply from within their own ranks every grade of labour from the crossing sweeper





## MEMORANDA OF THE ANGLO-INDIAN AND DOMICILED EUROPEAN COMMUNITY OF INDIA. [Continued.]

European Schools Budgets in each Province, since the Reforms have been in operation.

It may however be pointed out that in six consecutive years European education in Bengal has lost a considerable sum of money both through the demands of the Education Department being refused by Government or through Legislative cuts. In 1924, for instance, the Legislature accepted a cut of over Rs. 1,00,000 which the Government refused to certify. We believe that similar conditions prevail in other Provinces. Governments are vexed with the power to certify the budget demands for European education, but, although they are charged to see that the interests of the Domiciled Community are in no way prejudiced, there is no discussion made in instances in which any Government has refused to European education, though the instrument of certification, any portion of a reduction made by Legislative Councils in the budget estimates for European education.

The Motions as detailed below for reductions or refusal of the two distinct and separate demands for European and Indian education in Bengal for 1928-29 afford a very illuminating and instructive contrast and clearly demonstrate the hostile attitude of Indian Legislatures towards European education.

**Education (European). Budget 1928, Bengal.**  
Demand Rs. 12,50,000. Motion for reduction or refusal.

**Madras Assembly Minutes.**—That the demand of Rs. 3,24,000 for European and Anglo-Indian education under the head S.E.A. Direct grants to non-Government Schools may be refused.

**Bolnisi Allah Chandra Datta.**—That the demand of Rs. 4,11,000 under the head S.E.A. Education (Reduced) Primary Direct grants to non-Government Primary Schools for European and Anglo-Indian education be reduced by Rs. 1.

**Behar Anandendra Nath Ghosh.**—Reduced by Rs. 1,00,000.

**Madras Assembly Minutes.**—Reduced by Rs. 6,44,000.

**Compare the above with Indian Education (Travellers) Demand Rs. 1,10,53,000.**  
Motion for reduction or—

Rs. 17,500	Sardar Kumar Dutt.
" 17,500	Jitendralal Banerjee.
" 17,500	Manmatha Nath Roy.
" 1	Akhal Chandra Datta.
" 1	Manmatha Nath Roy.
" 1	Akhal Chandra Datta.
" 1	Manmatha Nath Roy.
" 10,000	Azizul Haque.
" 1	Jitendralal Banerjee.
" 1	Tamizuddin Khan.
" 1	Manmatha Nath Roy.
" 1	Bhupendra Narayan Sinha.
" 100	
" 1	
" 1	
" 1	
" 100	
" 5	
" 1	Six other token cuts.
" 15,200	against Rs. 49,000 required to other items by Azizul Haque.
" 3,600	against whole demand by Azizul Haque.

In the section "Cost of European Education" it has been shown that the European and Anglo-Indian population have bravely endeavoured to maintain and even to advance the standard of the education of their children, by making good, as far as they can, the annual decline in the sum voted by Legislative Councils. But obviously the growth of European education is receiving a set back by the attitude of Indian Legislatures. The whole economic life and prosperity of the Community depends upon their members being equipped with at least a sound secondary and by preference a University education. To leave their education to the caprice or mercy of

Indian Legislatures is to expose their most vulnerable point to those who have not been slow to attack it. If the Anglo-Indian Community is to take its legitimate place in the social, industrial, and political life of their country, that form and degree of education that is essential to them must be afforded through adequate subventions from the State. To neglect their entailed education is to pursue a policy that will create a most difficult and ugly problem in the near future. The experiment of the past few years has revealed that European education had but little to hope from Provincial Legislatures and Provincial Administration, and it is therefore urged that it be made a central and non-votable subject.

**Centralization of European Education.** The experience which the community has had of the attitude of Legislative Councils to European education urges them to desire that it be removed from financial dependence upon the Provincial Legislatures by its being made a Central Non-votable Subject and for the following reasons:

Anglo-Indians and Europeans are domiciled in all the Provinces and Presidencies of India and whereas a uniform system of education is both possible and necessary for them, a diversity of educational codes, curricula, text books, and public examinations prevails in the different Provinces. The result is that children accompanying their fathers or guardians on transfer from one Province to another usually have their education interrupted, dislocated, and even retarded; and when it is borne in mind that Anglo-Indians and domiciled Europeans serve chiefly in Railways, Telegraphs, Postal and other All-India Services, it will be realized that the disability complained of exists on a large scale.

To remedy this evil it is urged that there be a uniform system of education in European schools throughout the country. But, a uniform system of education involves control from one centre, and our submission is that that centre should be the Government of India. So long as European education is administered in territorial compartment by Provincial authorities, it cannot be made symmetrical, nor can it be assured of equally distributed financial subventions from the public revenues.

We regret to say that we believe that a review of the attitude of the Provincial Legislatures towards European education, during the past five or six years, will reveal the existence of different policies, of different estimates of its claims to support and of a general tendency to cut down its grants. There has been evinced an inability to reconcile the disparity between the cost of European and Indian schools; and instead of its being recognized that the great need is for Indian schools to rise to higher educational ideals by a larger expenditure, the action taken by several Provincial Legislatures seems to be to compel European schools to approximate to the standard of Indian schools, a retrogressive step that can be taken only at the sacrifice of efficiency. Anglo-Indians and domiciled Europeans would rejoice to see Indian schools lifted to a higher plane of efficiency, just as much as they would deplore their own schools being dragged down to the lamentable inefficiency of the general run of Indian schools. They urge Indians to spend more on Indian schools, instead of demanding that there should be less spent on European schools. But, as things are, it is to be feared that so long as European schools are financed by Provincial Legislatures, supplies will not be voted on a scale which on the surface gives the impression of preferential treatment to European education.

In justification of the reduction of educational grants to European schools, some Legislatures have urged that Europeans do not make material contribution to the Provincial funds, but, to the resources of the Central Government through the payment of Imperial taxes. They argue that for this reason European education should derive its grants from the Government of India. With sentiments such as these influencing members of the Councils it is

## MEMORANDA OF THE ANGLO-INDIAN AND DOMICILED EUROPEAN COMMUNITY OF INDIA. [Continued.]

natural that under the present system European education should experience degrees of financial assistance varying with the attitude towards it of the local Legislatures. Symmetry of treatment, it is respectfully submitted, can be secured only by European education being converted into a central non-votable subject.

If the Government of India assumes control of European education and responsibility for financing it, the present system of administering that Department of Public Instruction will require sequential modification. At present the practice is for European schools in a Province to be the whole-time charge of a member of the Indian Education Service. Where the schools are too few to allow of this, one officer inspects Indian as well as European schools, or he has control of the European schools in two Provinces. The inspectors of European schools are responsible to the Director of Public Instructions of the Province. Thus, generally speaking, European education is administered in territorial sections coinciding with the Provinces, by inspectors who are in detachment from one another and in accordance with schemes that are not correlated or equally financed. It is to remedy the evils and disadvantages arising from this arrangement that the transfer of European education to the Central Government is advocated. If it is so transferred, it is recommended that European education fall to the member holding the portfolio in the Government; that its chief administrative officer may be designated "Inspector-General of European Schools," who will be directly responsible to the Educational Member, and that under him there be inspectors of European schools, to each of them being allotted a number of schools sufficient to give them full occupation, even if they be situated in more than one Province.

The system outlined above need not be more expensive than the one now in vogue. It will make it possible for symmetry to be introduced in the regulations from grants in aid, in curricula of studies, and in the organisation of schools according to their graduation. This will give uniformity and stability to European education and standardise it for the whole of the country. Children going from one Province to another owing to the transfers of their fathers or guardians will not suffer the disadvantages they now experience by being obliged to enter schools imparting education under different systems, with classes graduated by different standards of progress, and with curricula and syllabuses that lead up to diverse final examinations. Nor will this be the only material gain. European schools' finance will be stabilised, and cease to be, as it is now, at the whim and caprice of Provincial Legislative Councils. The Anglo-Indian and domiciled European population, scattered as it is in small groups or in isolation throughout the length and breadth of India, has a setting unlike that of any of the Indian races, and it follows that the planning of its education should be different from that which is found suitable for the education of the people of a Province, and provided by methods confined to that Province. The classification of European education as a reserved Provincial subject recognises the principle enunciated by the Government of India Resolution, Revenue Department (Misc. Revenue) dated Calcutta the 31st August, 1881: "The Government is forced to admit the necessity of separate schools for European children during the age when their habits and principles are in process of formation." But the protection afforded by the Government of India Act of 1919 is confined to the system of education prescribed by the Provincial Governments for the European schools within their jurisdiction. It has failed to protect European education financially. The experience gained by the operation of that Act during the past five or six years reveals the imperative necessity of establishing the grants in aid to European schools, for nothing is so destructive of educational progress as the anxieties caused by uncertainty of the financial position of schools. The removal of European education from the list of Provincial

reserved subjects is not preferential legislation, but a statesman-like attempt to secure to a minority community its elementary social and economic needs. How greatly these may suffer is instanced in the case of Bengal when the Budget allotments of the year 1926-27 fell short by a sum approximately Rs. 300,000 for grants in aid calculated by the Local Government's own principles and pledges of financial assistance to European schools. If this evil be not altogether removed, it will be mitigated if the finances of European schools are derived from one source, namely, the Government of India. But, financial stability requires to be supplemented by educational integrity. This will be impossible so long as different ideals and different systems of European education prevail in the different provinces. The assumption by the Government of India of responsibility for European education will enable the form and scope of European education to be unified and standardised for the whole country, and its schools to be granted some measure of financial stability.

For the reasons set forth above it is respectfully urged that European education be made a central non-votable subject.

*Need for Survey of European Education.*—Although a uniform system throughout India is possible, and not only possible, but also imperative for European education, hitherto it has been organised Provincially. No Province has co-ordinated it with what is being done in adjoining Provinces. The result is that there is no cohesion or inter-relation between the systems of European education in the various Provinces. It is designed and administered in each Province by the local Director of Public Instruction through the agency of an inspector. Gradually curricula and syllabuses, final Departmental and Public Examinations, have drifted further and further apart, to the detriment of pupils who go from Province to Province as their fathers or guardians are moved by their employers from one part of India to another.

A plea has been put forth above for European education to be allotted to the Central Government. If this prayer is granted, the first action of that Government naturally will be to take stock of the condition and systems under which European education is being imparted. If it continues a provincial subject, that does not remove the urgent necessity of introducing a symmetry and co-ordination in the planning and administration of European education in all the Provinces.

In 1876 Archdeacon Baly was deputed by the then Viceroy, Lord Lytton, to make a survey of European education throughout India preparatory to its being made a separate branch of Public Instruction. Since that date there have been several surveys of Indian education in all its stages and branches, but none of European education. Unless it is reviewed it will not be known what progress, if any, it has made during the last half century, nor what are its present needs, nor on what lines its development should proceed. It is therefore submitted that a small Committee, on which the community is adequately represented, be commissioned by Government to tour the Provinces to investigate European education, and make recommendations for its improvement and consolidation.

The points into which the Committee may enquire may be, among others:—

- (a) The geographical distribution of European Schools relatively to European and Anglo-Indian centres;
- (b) the internal organisation, curricula and final examinations;
- (c) whether these correspond to the economic condition and occupational potentialities of the permanent British inhabitants of India, male and female;
- (d) the financial problems of the schools; their financial stability; their incomes from fees; subscriptions and endowments; the rules relating to grants-in-aid and an educational cess;

## MEMORANDA OF THE ANGLO-INDIAN AND DOMICILED EUROPEAN COMMUNITY OF INDIA. [Continued.]

(e) free compulsory primary education; vocational, industrial and technological education; professional education; university education;

(f) the place that should be given in European schools to Indian vernaculars and Oriental Classical languages;

(g) the correlation of Indian Universities and European Education;

(h) the provision of scholarships, sufficient in number and value, for study in India and abroad, stage by stage;

(i) the staffing of schools; the preparation and training of Anglo-Indian teachers and lecturers for all positions in European schools and colleges;

(j) the fostering of instruction in the physical sciences;

(k) the advisability of having selected schools with a bias in favour of special services—e.g., Army, Navy, Forest, Police, Civil Services (Imperial and Provincial), Commerce, Engineering, the Church, Education, etc.

**Anglo-Indian Teachers.**—The Anglo-Indian Community is fully conscious and appreciative of its debt to the devotion and zeal of members of the religious orders and men and women from England and America, who as teachers have done so much for European education. The time, however, has come when the Community should be allowed to take a more effective part in the education of its own children.

Teachers imported from other countries are naturally at a disadvantage in that it is difficult for them to establish that bond of sympathy and intimate understanding between themselves and children of this country, which, in the case of the Anglo-Indian teacher, follows without perceptible effort. In fact the idea that European teachers are imparting an English public-school tone to our schools is no longer true. The British teacher coming out to-day does not understand the psychology of Anglo-Indian children, the result being that a wide gulf exists between master and pupil to the benefit of neither and reacts on the children of the community by instilling in them the inferiority complex. Many of these Europeans are not superior to Anglo-Indian teachers. Yet, far higher salaries are given to them and, in certain well-known schools, the higher appointments are regarded as the close preserve for Europeans. The importance of the teaching profession to a community cannot be denied, and we would refer to the recent measures taken in England to improve its prospects and emoluments. So long, therefore, as the pay and prospects of Anglo-Indians are thus restricted, teaching can offer no attraction to them as a profession. It is for this reason that many Anglo-Indian teachers who might have done valuable work in moulding the character and increasing the self-respect and self-reliance of Anglo-Indian youth have resigned from European schools and joined other services.

In some schools, like the Martinieri Colleges, a hard-and-fast policy has been laid down by the Governing bodies insisting on the exclusive employment of Europeans with British qualifications in the higher appointments, which operates as a definite

If results are any criterion of the efficiency of Anglo-Indian teachers, there are European schools, such as Christ's Church School, Jubbulpore, and Philander Smith's College, Naini Tal, entirely staffed by Anglo-Indian teachers whose results compare very favourably with schools under European management.

Be it said to the credit of the Roman Catholic Educational Institutions, to whom the Anglo-Indian Community owes a deep debt of gratitude, that these institutions have for years adopted the policy of freely recruiting into their orders men and women from the Domiciled Community, many of whom have occupied the highest positions in some of the leading educational institutions in India. The splendid work done by those Anglo-Indian teachers, who have been entirely trained and qualified in India, is proof enough that Anglo-Indians are fitted for the highest positions in European schools.

Here it should be mentioned that the Director of Public Instruction, Bengal, held a meeting of Headmasters of European schools in Bengal in January 1928, when, after a full and frank discussion, the following resolution was passed unanimously:—

That this Conference is of the opinion that whenever appointments to the higher-paid posts in the European schools system in Bengal are being made, the claims of men and women of the Anglo-Indian and Domiciled European Communities, qualified in India or in England, should be considered before recruitment from England is definitely decided upon, and that the Department of Education and Governing Bodies of Schools be asked to reconsider their recruitment policy in the light of the recommendation.

Our own recommendation is that the recruitment from England of European teachers into the staffs of European schools should be stopped. The only schools to which it can be rigidly applied are the 14 schools maintained by Government. It is not Government schools alone, however, that we wish to affect; we desire that the spirit of our recommendation should also be observed by all schools, except such institutions as are governed by religious bodies where the staffs are employed on nominal salaries. We realise the difficulty in enforcing such a rule on educational institutions over which the Government has no direct control, but it would probably bring about the desired result if Government made grants-in-aid conditional on the more liberal appointment of suitably qualified Anglo-Indian teachers in sufficient numbers.

The Community has a right to greater participation in the management of European schools, and we desire that there should be an adequate representation of Anglo-Indians on the Managing Committees of such schools.

## MEMORANDA OF THE ANGLO-INDIAN AND DOMICILED EUROPEAN COMMUNITY OF INDIA. [Continued.]

increasing. We are prepared to submit to an Education Cess. There are a considerable number of parents to-day living lives of almost penury to be able to educate their children in England to qualify for employment in the higher services and professions. But we are a poor community and we fear too heavy a sacrifice in the cause of education might result in overtaxing our resources and defeat its own ends. When it is remembered that our community is not commanding the wages of former years and that the field of its employment is becoming more and more restricted, while the Provincial grants to European education have been reduced, it will be seen that this is not an imaginary fear.

In consideration of our peculiar difficulties and our great services to the revenue-bearing departments of the Government of India, we feel we should be given a reasonable chance of answering the call of the Reforms, and we might here point out that we are in no way responsible for this inasmuch as our education has been devised for and imposed on us by Government. The system has always made it difficult for the community to enter Indian Universities and it has given us qualifications which to-day are not in demand. A literate knowledge of the vernacular, so essential in a country like India, has never found its proper place in the curricula of our schools and has, in consequence, been badly neglected. Yet we are expected to-day to compete on equal terms with the Indian for the I.C.S. Competitive Examination in which an Indian vernacular forms one of the compulsory subjects (Honours Standard). Again, in the Indian Medical Department a knowledge of Physics and Chemistry is demanded from candidates, and yet there are very few European schools that possess laboratories, and even of these only a few are up to date. The present position of the education of the community, due to the action of Government, can only be corrected by intensive Government aid to the higher education of the Community, and we would suggest for the sympathetic consideration of the Commission that the Government of India do capitalise a sum of at least 50 lakhs for a period of thirty years, the interest from which to be utilised as scholarships and stipends for Anglo-Indian boys and girls to secure higher education, both academic and vocational, in India and Europe, and this without prejudice to the customary grants-in-aid. This demand may be novel, but we stand in need of special help from Government on such a scale as will undo the wrong done us by the imposition of a system of education which has rendered us incapable of competing with our fellow-subjects for admission into the Superior Public Services. We believe that, with this degree of financial aid, we will soon be able to make up for the backward condition of our higher education and enter into open competition with the other communities of India on terms of equality—all we ask is to be helped till we are able to stand on our own feet.

## CONSTITUTION.

Since our problem is more an economic than a political one, we do not feel called upon to touch on constitutional issues, beyond indicating the directions in which they affect our special problems. We trust, however, that a brief statement of our preferences and persuasions may not be without its usefulness.

We assume the deliberations of the Commission will centre round the existing machinery and that any advance that may be made will be along lines of Western democratic institutions. On this assumption we would submit that the most reasonable development would appear to be in the direction of a Federated India, with the delegation of fuller powers to the Provinces under the Governors, and the reservation of important and vital issues under the control of the Governor-General in Council. We are not able to subscribe to the popular belief that democratic institutions necessarily require the entire control of the Executive by the Legislature. This we

consider to be a complete misconception of the functions of Government, and we submit that, even in so-called democratic countries like Great Britain and America, the Executive tends to gain in power. It is worth noting in this connection that when the constitution of the United States was drawn up, whereas the President was "given" powers, the powers of Congress were "limited." No Government that is at the mercy of the Legislature can hope to do good work. If Government is to be efficient as well as equitable, representative bodies must be amenable to the guidance of the Executive, and our first care should be the devising of a stable ministry and a secure Civil Service.

The fundamental responsibility of any Government must be the administration of justice and the maintenance of law and order, for security comes before progress, and no constitution is worthy of respect that neglects a practical necessity like "self-defence" in the pursuit of an ideal like "self-government." However necessary it may be to relax the too rigid control of the Executive, such control must remain the pivotal point round which all reforms revolve. In a vast and heterogeneous country like India, so steeped in racial prejudice and wedded to communal strife, and at the same time so impotent to maintain law and order or to defend its frontiers or sea coast, it is more than necessary to create a sense of solidarity by the concentration of responsibility and directing power. This must continue until the acerbities of communal rivalry are reconciled in the performance of common tasks for the good of a united India and the interests of the dumb millions of this country can be adequately represented by the Indian politician.

The next indispensable requisite of good government is the protection of minorities, a protection which is provided for in the constitutions of all new European States. Indeed, the League of Nations stands as a guarantor for what are called the "Minority Clauses." The desire of Indians to assimilate Western methods of government does not entitle them to ignore the welfare of any section of the population. When Indian politicians claim the right to make mistakes, we are entitled to ask whether we have not an equal right to be protected from the consequences of such mistakes.

The attitude of the community is not opposed to the progressive realisation of self-government for India within the Empire, but our fears are that, until Indians find themselves equal to this great responsibility, communal jealousy, religious prejudices, lack of education in the masses and inexperience of the new regime, will render the position of a minority extremely precarious in the absence of measures designed for its protection. This apprehension is present not only to Anglo-Indians, but also to all other minority communities in India, though in the case of the Anglo-Indian, in view of his connection with the dominant power, the fear is accentuated by the consciousness of popular resentment. To us, therefore, even more than to other minority communities, constitutional checks and safeguards are a vital necessity. If we wish for adequate representation in popular bodies, it is primarily because we desire to be able to defend ourselves on the lower rungs of the ladder of government. If we seek representation in the second chambers, it is because we want to sway the second thoughts of our fellow-citizens. Our desire is to influence Indian opinion at every stage. At the same time it should be noted that the Anglo-Indian community is impelled, not only by the desire to protect its interests, but also by a sincere wish to serve a larger purpose in the body politic of India.

*Central Legislature.*—We consider that the present powers of the Governor-General should be retained.

*Provincial Councils.*—The present system is unworkable, in that it gives the Legislature power to obstruct without any effective power of performance, thus stimulating a sense of irresponsibility. To that extent it also handicaps the Government, who,



## MEMORANDA OF THE ANGLO-INDIAN AND DOMICILED EUROPEAN COMMUNITY OF INDIA. [Continued.]

We desire to draw the attention of the Commission to the definition of a European as given in Schedule II of the Electoral Rules of the Legislative Councils which is as under :

"A *European* means any person of European descent in the male line, being a British subject and resident in British India, who either was born in, or, has a domicile in the United Kingdom, or, in any British possession, or, in any State in India, or, whose father was so born, or has, or had up to the date of the birth of the person in question such a domicile."

We would point out that liberally interpreted, this definition could be, taken to include almost the entire Anglo-Indian and Domiciled European Community. As a result a large number of Anglo-Indians and Domiciled Europeans are borne on the European electoral roll. We consider that on principle all Anglo-Indians and Domiciled Europeans should be included in our constituency and that the definition of a European should be so modified as to exclude them. It may be argued that if a man has a legal right to claim his father's nationality, he should not be deprived of a similar civic or political right. But we submit that as Anglo-Indians and Domiciled Europeans are in certain matters indivisible and for economic purposes are classified together as Statutory Natives of India, and, as such, are occupying positions in Government reserved for Natives of India they should not be allowed to occupy a European status in the body politic of the country. We would instance the case of a German naturalised in England. An Englishman would not tolerate him securing a Britisher's economic rights while repudiating his political obligations. We would, therefore, further suggest the constitutional remedy of making appointments of Anglo-Indians and Domiciled Europeans to posts reserved for Statutory Natives of India, conditional on their inclusion on the rolls of our constituency, which should be called the Anglo-Indian and Domiciled European Constituency and a suitable definition be formulated for it.

We also desire to emphasise the fact that we have suffered considerably from the imperfect, we should say obsolete, system of registration of those of our community who are entitled to a vote. Till 1926 the Income Tax Department of every Province furnished each electorate with a list of those who paid income tax and so considerably helped us to get into touch with our constituents. This was discontinued by order of the Government of India, though the order was suspended at the eleventh hour of the election held in 1926. We desire that the Income Tax Department continue to supply us with this information. Our complaint, however, is that the list maintained by the Income Tax Department is not complete and not kept up-to-date, especially with regard to Railways, Telegraphs, Customs and Mercantile services.

Another difficulty experienced by us is with regard to our constituents employed on Railways. When these men are recruited the custom is for the Railway Medical Officer to classify them according to what he thinks is their nationality, merely from their appearance and colour. In this way, hundreds of Anglo-Indians are to-day enlisted in Railways as Europeans, as this entitles them to a higher scale of pay and more liberal leave rules. At the 1926 election in many Railway Stations it was found that 50 to 60 per cent of Anglo-Indians, recognised members of our communal Associations, were classified as Europeans and borne on the European electoral roll. We suggest that all Railways should immediately call for a reclassification of such employees. Indeed, we would go further and suggest that the Government of India and the various Provincial Governments issue detail instructions to Heads of all Departments and Railways to see that none, but, those who are included in the Parliamentary Statute of 1870 Victoria 33, are employed as Statutory Natives of India.

*Representation.*—Communal representation is a necessity in a country where the lines of cleavage are so pronounced and where the ignorance of the electorates renders them liable to exploitation by the politician. While we recognise the need for making constitutional changes depends on general acquiescence so as to foster mutual trust, we consider the most careful adjustment is necessary where interests are so conflicting. Communal representation cannot safely be dispensed with in India for many years to come. In common with all minority communities we claim communal representation for the Domiciled Community. We cannot, owing to political and economic difficulties, safely allow our communal interests to be merged in any general scheme of representation. For this reason any system other than that based on communal grouping would result in our complete absorption, since, owing to our smaller and more distinctive grouping, we could never hope to secure the least measure of representation under any such arrangement. Such absorption, we fear, could never carry with it any prospect of sympathetic regard from the bulk of the Indian people. We, therefore, request that adequate communal representation be assured to us. Though numerically few, we are a larger community than the European and play no small part in the administration of the country. Furthermore, our economic interests are so insecure that we feel they can only be adequately represented by our own representatives.

If we take the Domiciled Community as a whole and postulate a cent per cent literacy, it forms nearly 3 per cent of the educated classes of India, which to-day only totals about 7 millions. The percentage would be much higher if those Indians possessing primary education only were excluded. On this score alone Anglo-Indians are entitled to better representation than they receive to-day.

Our present representation is as follows :—

Bengal Presidency	...	two	elected	seats.
Madras	"	...	one	" seat.
Burma	...	...	one	" "
Bombay	...	...	one	nominated seat.
Punjab	...	...	one	" "
United Provinces	...	...	one	" "
Central	"	...	one	" "
Bihar and Orissa	...	...	one	" "

*Central Government.*—Assembly : No Anglo-Indian constituency. The Community is represented by a member nominated by the Governor-General.

*Council of State :* The Anglo-Indian has no seat on this body. He is included in the non-Muhammedan constituency and therefore the same franchise qualifications apply to him.

We are therefore in a worse position than the Sikh and Indian Christian Communities who are accorded representation on this body.

It is not possible, without knowing the exact composition and constitution of the future Provincial Legislative bodies, to say what the representation of the Anglo-Indian community should be, but, as a guide to the Commission, we indicate below what might be regarded as adequate, provided the present strengths of the various Legislatures are not increased. We submit that in view of its responsibility, education and economic importance, the community has a claim to the following minimum representation in the various Legislative Councils.

Bengal	...	...	4	elected	members.
Madras	...	...	4	"	"
Burma	...	...	4	"	"
Bombay	...	...	3	"	"
Punjab	...	...	2	"	"
United Provinces	...	...	2	"	"
Central Provinces	...	...	2	"	"
Bihar and Orissa	...	...	2	"	"
Assam	...	...	1	"	"







1. Let  $f(x) = x^2 + 1$ .

(a) Find  $f'(x)$ .

(b) Find  $f''(x)$ .

(c) Find  $f'''(x)$ .

(d) Find  $f^{(4)}(x)$ .

(e) Find  $f^{(5)}(x)$ .

(f) Find  $f^{(6)}(x)$ .

(g) Find  $f^{(7)}(x)$ .

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## MEMORANDA OF THE ANGLO-INDIAN AND DOMICILED EUROPEAN COMMUNITY OF INDIA. [Continued.]

## SUPPLEMENTARY NOTE ON EUROPEAN EDUCATION.

There is no doubt that the views expressed in the note on European Education, as extracted from the Anglo-Indian Memorandum submitted to the Indian Statutory Commission, were bound to be opposed by European teachers in European Schools in India. It was never expected that every European teacher would agree with the demand to give Anglo-Indians a larger participation both in the training of their scholars in the higher posts as also in the administration of European Schools. Reason seldom, if ever, makes a strong appeal when self-interest is concerned. It is, therefore, not surprising to find certain European Headmasters of European Schools, as also Mr. Wordsworth, an ex-member of the Indian Educational Service, giving evidence before your Committee on this point of a critically disparaging nature. I do not wish to question the very dubious authority upon which Mr. Wordsworth claims the right to speak as he did, nor ask him to produce those Anglo-Indian parents whom he said would object to Anglo-Indian teachers training their children, but I take the liberty of quoting a few additional facts in support of the claim made by the community in favour of Anglo-Indian teachers being appointed to most of the higher posts in European Schools.

Comparisons are, I know odious, but if they are based on facts, they are not only very informative and instructive, but often necessary to disprove long cherished opinions and beliefs such as were expressed by Mr. Wordsworth in his comparison between European and Anglo-Indian masters and the wishes of Anglo-Indian parents. In refutation of his statement, I will draw a comparison between two schools only, although I could quote a good many others.

*La Martiniere College and St. James' School, Calcutta.*

La Martiniere, Calcutta, has a teaching staff of seven European masters imported from England, the highest paid receives a salary of about Rs. 1,200/- and the lowest paid receives, I believe Rs. 550/- per mensem; two Anglo-Indian masters drawing Rs. 480/- and Rs. 340/- respectively and two lady teachers drawing Rs. 250/- and Rs. 200/- per mensem. The total cost of the teaching staff comes up to nearly a lakh of rupees per annum. This school has been through many financial crises, but, it is to-day well off owing to the munificent gift of an ex-American pupil, the late Sir Paul Chater. In the days of its financial stress the Anglo-Indian teachers did most of the work and did it well and were considered fit and worthy of employment. Since it received this bequest however from Sir Paul Chater, Anglo-Indian teachers have been replaced by Europeans and to-day there are only two Anglo-Indian masters as compared with seven Europeans.

A few years ago, the total number of students on the rolls of this School was about 350. To-day, I believe there are about 220 and out of this number about 160 are Anglo-Indians, of which about 50 per cent. are in the junior and kindergarten classes, the latter under lady teachers, which means that the teaching of about 120 boys who are in the middle and upper classes, is done by seven European and two Anglo-Indian teachers at an annual cost of over Rs. 75,000/-. I am given to understand, I speak subject to correction, that the nationalities of the children attending the School are 15 to 20 per cent. Armenians, 0.75 per cent. Chinese (a fact which, I hear, is in direct opposition to the will of General Claude Martin), 5 per cent. Europeans and the rest Anglo-Indians. The Scholars are either foundationers, demi-foundationers, De Souza Scholarship holders, and Thadius Scholarship holders. I mention these details to show the Committee that although this School has a teaching staff of seven imported Europeans the number of students has declined considerably within the past few years, a period which, I believe, I am right in saying, synchronises

with the increase in the European teaching staff. The various firms employ them as clerks and subordinate assistants—in short, they enter a calling in life that tends to kill all initiative, makes of them nothing else but automata, and causes them to live their entire life in an atmosphere of utter subordination. I ask are European teachers on high salaries a real necessity for a School that, for the most part, trains its boys for nothing better than clerical employment in mercantile firms, while the School examination results are not better than those of the Roman Catholic Colleges and Convents in Calcutta.

I shall now deal with St. James' School, Calcutta. The entire staff in this School from the Headmaster downwards is Anglo-Indian; the Headmaster gets a lower salary than the most junior "Anglo-Indian" master in La Martiniere. A few years ago, the School had on its rolls about 150 students. To-day it has a total of over 600, and not one of the masters is an imported Englishman. Moreover, the fact that there is nothing to choose between the educational results of these two Schools and the steadily growing attendance at St. James', should certainly go to prove:

- (1) That Anglo-Indian parents do not show any predilection for Schools where European masters are in the majority;
- (2) That the popularity and growth of a School does not depend on having Europeans occupying senior positions on the teaching staff;
- (3) That Anglo-Indian teachers are capable of filling the higher posts in any European School in this country as efficiently, if not better, than many imported European teachers;
- (4) That European Education can be as efficiently and certainly more economically administered by a larger employment of qualified Anglo-Indians in the senior posts of our European Schools in India;
- (5) That it is unnecessary, except for a very few specialistic appointments, to import European teachers from England, as the custom merely tends to inflate the already excessive cost of European education and which has to be borne by parents of an impoverished community; and
- (6) That with the cost of European Education lowered a larger percentage of our children will be enabled to go in for higher education.

I would here also refer to the various Roman Catholic institutions in which many Anglo-Indians and Domiciled Europeans have held positions of Rectors, Principals, and Mother-Superiors, Educationists who have never left the shores of India, nor qualified outside of India, and yet have been the direct means of obtaining educational results that have rarely been equalled by other European Schools, whose pet creed seems to be that none but Europeans with English degrees are capable of holding senior posts or being Principals of European Schools, but, which literally translated means "No coloured person need apply, and if he is employed it must be on a lower salary." I would also draw your attention to the fact that Christ Church High School, Jubbulpore, and Philander Smith College, Naini Tal, two of the finest European Schools in India, have yearly to refuse admission to many students for want of accommodation, and both Principals and Staffs of these Schools are members of the Domiciled Community.

As a community we, therefore, maintain the right to train our own children and refuse to support the claims of superiority made by European educationists to-day, who, with all respect and gratitude for their past services, we submit are incapable of understanding the psychology of our children, while it cannot be denied that the inferiority complex is thus early developed in their minds, an inferiority which unfortunately governs most of their lives and leaves them content to work out their salvation in subordinate employment, barren of ambition to succeed in the Superior Services.

## MEMORANDA OF THE ANGLO-INDIAN AND DOMICILED EUROPEAN COMMUNITY OF INDIA. [Continued.]

I venture this comparison to the members of the Education Committee in support of the demand made by the community in its Memorandum, and in refutation of the evidence given by Mr. Wordsworth and Mr. Holmes, Headmaster, La Martinière, Calcutta, and others. It was therefore we demanded in our Memorandum a larger proportion of employment of Anglo-Indian teachers in European Schools.

*The Appointment of an adequate number of Anglo-Indians, at least 50 per cent., on the Governing Bodies of all European Schools.*

Since making this demand, I have come to know that it has, in a large measure, the support of His Excellency Sir Malcolm Hailey, at present Governor of the United Provinces. In this connection, I would instance the firm attitude he adopted in Bishop Cotton School, Simla (another institution that has studiously ostracised Anglo-Indians from its higher staff) supported no doubt by that able and just D.P.I., Sir George Anderson, when there was a disagreement between him and the then Governing Body who resigned *en masse* and he (Sir Malcolm Hailey) appointed three members of the Domiciled Community on it. I would also instance the appointment of two members of the Domiciled Community, Mr. Prince and Mr. Percy, to the Vice-Principalship and Headmastership of one of the biggest and best European Schools in India, of which every Anglo-Indian is proud—the Lawrence School, Ghora Gali.

The Martinière in Calcutta has not got a single Anglo-Indian on its Governing Body, and as this body has the giving of appointments it is not unnatural that an Anglo-Indian applicant stands very little, if any, chance of being selected for any of the higher teaching posts.

The personnel of the senior Governing Body I contend should be of men with a grasp and knowledge of the educational needs of the community which it is the purpose of the School to serve. Of what use are the Member in charge of Education on the Viceroy's Council, the Mayor of Calcutta and the Advocate General of Bengal, etc., all of whom are Indians, as members of this body? And yet, these very gentlemen are members *ex-officio*, though, as non-Christians they do not function. This body, which was constituted when Calcutta was the Capital of India, is to-day archaic and needs to be thoroughly overhauled.

In the Martinière, Lucknow, I understand that the President of the Local Anglo-Indian Association is one of the Governors, but this gentleman also represents the Europeans in the U.P. Legislative Council and was certainly not selected to serve on that body as an Anglo-Indian representative. Another Anglo-Indian, an official on the Railway, is also on that body, but he also was not selected as an Anglo-Indian, but as a representative of the railway, and so it happens that in this institution also in which almost 80 per cent. of the students are Anglo-Indians and Domiciled Europeans, there is not a single member of the Governing Body representing the interests of the Anglo-Indian and Domiciled European Community. No such monopoly exists in the Governing Body of any Indian School or College, and I ask why should it be allowed in European Schools?

*Centralisation of European Education.*

In addition to the reasons already given for this, I desire to submit certain questions put and answers given by me on this subject, when the Anglo-Indian Deputation appeared before the Indian Statutory Commission on the 26th November, 1928.

*"Rao Bahadur Rajah:* I see from your Memorandum that you desire European Education to be made a Government of India Reserved non-votable subject. Why do you ask this?

*"Colonel Gidney:* To obtain one unified educational curriculum for all European Schools in India, and which itself will need Central

control. At present, owing to our singular setting, the community is scattered all over India and Burma and is not concentrated in a few large towns as are the Parsis. As I told the Chairman, 80 per cent. of the community are employed in the All-India Services, which exposes the parents of our children to frequent transfers, often from the North to the South, or East to the West of India, and, as to-day each Province has its own educational code and curriculum as also final examination, the education of our children is seriously handicapped, interrupted and disjointed. Moreover, our European Education grants have been steadily reduced by the various Provincial Governments and Legislatures, and for these reasons the future of European Education is very insecure in the Provinces and offers a very serious drawback to our children, who desire to undergo secondary and higher education. We feel we would obtain unification of codes and control as also security of our grants-in-aid if European Education were made a Central Government of India subject, non-votable, the same as is European Army Education connected with such schools as Sanawar, Lovedale, Mount Abu, Lawrence Asylum, Prince of Wales' School, Dehra Dun, etc., whose grants and control are under the Army Department Government of India, and unconnected with Provincial Governments. If Centralisation is possible with these Army European Schools and which, after all, are not in any way dissimilar to the other Schools, why not to all European Schools?

*"Education, I understand, is a reserved subject in the Provinces?—It is a reserved subject in the Provinces under the Governor in Council, but its grant is subject to the vote of the Legislature.*

*"What are your objections to continuing that as at present?—One reason is this, that it is unfair to ask the Provincial ryot or villager to pay for my education. We contribute very little to Provincial revenues. We pay most to the Government of India in income-tax and Customs duties.*

*"Chairman:* Because you are mostly an urban community, you mean?—In that way, too; moreover, I am not of the proprietor classes, nor am I a cultivator, and I do not think the Provinces should pay for my education; it is not fair to expect this of them. Moreover, 80 per cent. of my people are employed in the All-India Services. The Army is an All-India Service and its education is controlled by the Government of India Army Department; the Ecclesiastical Department is also under the Government of India; Income Tax is also a Government of India Department; so also is the Customs; the only Department that is not under the Government of India and with which our community is closely concerned is European Education.

*"Rao Bahadur Rajah:* Am I to understand that you pay largely to the Education Department?—From the Income Tax point of view and the super tax point of view, I think we pay a considerable amount of money to the exchequer of the Government of India.

*"And do you ask on that score for these 50 lakhs?—I have an additional reason. The Community has in the past rendered exclusive service to the Government of India, e.g., in the Customs Department, which has added thousands of crores of rupees to the Government of India exchequer. Then, again, the Domiciled Community constitutes two-thirds of the Indian Auxiliary Force and has formed the major part of all such previous Corps for the past 60 years. The Auxiliary Force is the second line of defence of the British Army in India. This is a purely volunteer force, though the Railway Battalions*

## MEMORANDA OF THE ANGLO-INDIAN AND DOMICILED EUROPEAN COMMUNITY OF INDIA. [Continued.]

are conscribed. Nevertheless, we are a source of great economy to the military expenditure of India, for, to replace us in the Auxiliary Force at least 15 to 20 British Regiments would have to be added to the present strength of the British Army in India. We, therefore, in this manner, constitute an annual saving of over two crores of rupees to the Government of India and, in return, surely, it is not an unreasonable request for 50 lakhs to be capitalised for 30 years for a community that has done so much for India and its development, and who, to-day, voluntarily and so materially help in the defence of the country and whose future economic salvation depends so largely on adequate higher and vocational education. We have served India and the British Empire loyally and well; we are the descendants of those Britishers who made the Indian Empire; we helped those pioneers and as their issue we, who are being as it were, discarded in response to Indian clamour and aspirations, feel that we have a moral claim on England and India to this help in our hour of need."

I should like to add that Sir Abdul Kerim Ghuznavi, speaking on behalf of the Muslims of Bengal alone, asked for the sum of one crore of rupees annually for 10 years for Muslim Education.

In this connection, I would draw your special attention to the point raised when I asked why, if European (Army) Education has, without any difficulty or question by the Indian Legislature, been permitted to be a Central Government of India non-votable subject, since the introduction of the Reforms, the same could not be done with European (Civil) Education in the remaining Schools in India; for, after all, it cannot be denied that those so-called Army European Schools which are under Central Government control are subject to the same educational curricula and inspections, and they recruit from the same class of boys as do the Civil European Schools, the difference being that, in the former, a child has to claim some military connection before he is admitted, a connection that can be and is established by at least 50 per cent. of the Anglo-Indian community, who, in addition can claim this privilege by virtue of being children of members of the Auxiliary Force.

I should also like to draw your particular attention to another point in my answers where reference was made to the fact that, as 80 per cent. of the Domiciled Community (who supply more than 80 per cent. of the children that attend European Schools in India) are employed in Central Government and All-India Services and it should be the duty of the Central Government to control and administer the education of this 80 per cent. of the Domiciled Community, the same as it does its religious education, its income-tax, its dues to the Customs, &c.

I might also add that an additional reason for asking that European Education be made a Central Subject, provided it be non-votable, is because I am not one of those who entertain the belief that the Central Legislature has, during its life, shown a greater sense of responsibility than the Provincial Legislatures; on the contrary, the work of the Central Legislature for the past few years has more than proved the very opposite.

H. GIDNEY,

M.L.A., J.P., F.R.S. (E), Lt.-Col. I.M.S. (Rd.).

President, A.I. & D.E. Conference.

CALCUTTA,

5th January, 1929.

#### THE SURVEY OF INDIA, CLASS II SERVICE.

This is one of the All-India Gazetted Services recruited in India, in which the Anglo-Indian and Domiciled European community has played an important and abiding part, but whose interests in

it are to-day so seriously threatened that, if unchecked will end within a few years in its total exclusion.

*History.*—The year 1878 might be said to be the date of the inspection of the Survey of India Department, although, previous to this there were in existence the Great Trigonometrical, Topographical and Revenue Surveys which were all loosely connected together. From that year till 1891 the Service was entirely Anglo-Indian. From 1891, other communities were eligible for recruitment in the proportion of 25 per cent. In the year 1895, the Department was re-organised, and, whereas, up to this date members of the service were eligible for advancement to any of the higher posts of the department, this re-organisation closed the door to higher appointments and confined the service within subordinate limits, beyond which there were no prospects. It was not till 1919, as a result of the Public Services Commission of 1912-14, that this grievance was partially removed by the reservation of 10 posts in the higher service (Class I) for promotion from the lower (Class II). On account of unequal recruitment and the consequent block of promotion, 90 per cent. of the members of Class II Service (predominantly Anglo-Indian), recruited prior to 1919, are faced with disheartening prospects, whereas those members joining after 1919 have brilliant prospects. In spite of representation nothing has been done to improve the condition. In 1919, the recruitment of communities other than Anglo-Indian was increased in proportion from 25 per cent. to 60 per cent. thereby decreasing the Anglo-Indian proportion from 75 per cent. to 40 per cent.; but, actually, up to date, the number of officers in the service recruited since 1919 includes only 27 per cent. of Anglo-Indians, instead of 40 per cent. Government is under the impression that, in view of the comparatively liberal number of posts in the higher service thrown open to the Class II service, this service has been well treated; but, it is apparent that when the brighter prospects materialise the Anglo-Indian Community will be in a pronounced minority—the Community that has laid the foundations of the department and helped to build it up.

DEMANDS.—We, therefore, respectfully desire :—

- (i) that a generous measure of relief be afforded to men who joined the service prior to 1919.
- (ii) that the proportion of 40 per cent. in the recruitment of Anglo-Indians be maintained.

\* \* \* \* \*

#### Memorandum from

#### ANGLO-INDIAN AND DOMICILED EUROPEAN ASSOCIATION, ALL-INDIA AND BURMA.

I beg to place the following points for the consideration of Sir John Simon and the Indian Statutory Commission when they visit Bangalore. In this connection, I desire to draw your attention to page 299 of the Memorandum of the Anglo-Indian and Domiciled European Community of India. The matter refers to the town of Bangalore which is a British settlement under political control. The Anglo-Indian population of this town is larger than any other city in India and approximates to over 15,000. Most of these are retired Government pensioners, the majority of whom have held high Government posts. They are house-owners and are in every way qualified to vote but, being in a political area, not one of them enjoys the privilege of a vote and the community is thereby deprived of a very large number of votes—especially a very influential section of the community. Besides there are some of the best European Schools in this town. My request is that in the new constitution members of the Anglo-Indian community in the town of Bangalore be accorded the privilege of a vote.

**DELHI.**

**Dated 26th November, 1928.**

**PRESENT:**

**ALL THE MEMBERS OF THE COMMISSION AND OF THE GENERAL COMMITTEE (NADIR  
SIN, CHURCHAN, AND KHAN).**

**Deputation of ANGLO-INDIAN AND DOMICILED EUROPEAN  
ASSOCIATION.**

The Deputation consisted of:—

Lt.-Col. H. Gidney, M.L.A., Calcutta.

Mr. L. T. Maguire, M.L.C., Calcutta.

Rev. W. A. Hobson, Madras.

Mr. C. S. Cameron, Calcutta.

Mr. E. T. McCluskie, M.L.C., Calcutta.

Rev. P. E. Curtis, Agra.

Rev. G. C. Rogers, M.A., Jubbulpore.



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will put it again. Is not an Anglo-Indian qualified for admission to Sandhurst by nomination?—Yes, as an Indian, not as an Anglo-Indian.

16. As an Indian?—Yes.

17. The point really is that in these matters of military rank and officer-training a member of the Anglo-Indian community is regarded as an Indian?—Yes.

18. That is the point. I wanted to be quite clear?—But he cannot enter into the rank and file of the Army as it is constituted on the caste system; he cannot enter into any other rank of the Indian Army except as an Indian.

19. It was the use of the word "sepooy" I did not understand?—That is exactly what I meant. He cannot enter the British Army.

20. Your point is he cannot enter the British Army by enlistment?—Not as an Anglo-Indian. He has to say he is a European. If he seems a European by complexion he is accepted, but he is not accepted as an Anglo-Indian; he must say he is a European. During the War, however, he was taken in and classified as a European regardless of his colour.

21. Will you turn for a moment to page 275? I do not propose to go through the figures there, but you might tell me this. Are those figures in substance the same figures, or some of them, as were put before the Secretary of State before the despatch from the India Office which we know of, of last September, was written?—I do not follow.

22. On page 275 there is a series of figures showing the percentage of Anglo-Indians in the various services. There have been, have there not, some complaints made? I think there were two deputations fairly recently (one in 1923 and another in 1925) to the Secretary of State on behalf of the Anglo-Indian community?—Yes.

\* \* \* \* \*

28. Indeed the question \* \* \* is not so much a constitutional question as an economic question and a social and official question, is not it?—I frankly admit that my problem is mainly an economic one.

29. I know you admit it most frankly?—It is for my life I am presenting this; indeed it is for my very existence.

30. On page 296 there is a passage which entirely justifies what you say; you say \* \* \* "Since our problem is more an economic than a political one . . ." and so on?—Yes.

31. I think you have been, if you will allow me to say so, entirely fair about that; you have stated it most straightforwardly and candidly. I follow that. I see this document which you have drawn up bears the date 25th June, 1928?—Yes.

32. Then we may take it, may we not, that your Memorandum was drawn up before the reply of the Secretary of State, which was communicated to you by the Secretary to the Government of India which was in September?—The 13th September, I think.

33. Anyhow, it was in September?—That is so. Our memorandum was presented to you before we received this reply, and this has seriously handicapped us in not being able to modify many of the views we have embodied in our Memorandum.

34. I do not think you have really suffered, because as you point out, constitutionally the question remains quite untouched. I do not see myself how you are prejudiced about that. Of course, as you will realise, the economic difficulties as such are not susceptible of direct treatment by an actual change in the constitutional structure?—With all respect to you, Sir, I am inclined to think they are very markedly affected.

35. You will show me exactly the way later. May we now turn, to save time, but not in the least to exclude intermediate matter, to page 296. In \* \* \* that page you speak of the necessity for the protection of minorities. Now, treating the thing for the moment as a question of

constitutional structure, of revising the language of the Government of India Act or of the statutory rules made under it, are you able to tell us what is the form in which you suggest this protection of minorities should be secured for your own community?—I would have to make a specific claim for my community. I do not understand whether you want me to suggest a statutory protective measure for all minority communities or only for my own.

36. I mean, more particularly for your own community. What is the nature of the constitutional modification which you and your deputation suggest the Conference might consider for the protection of the Anglo-Indian community as a minority?—Briefly, my idea would be that a statute should be passed or some enactment made by which the Anglo-Indian community would be economically protected for a limited period of years, say 30 to 50 years, during which time it would be able to equip itself educationally; and at the end of that period the community could sink or swim with the rest of India.

37. I think we must get you to carry that a little further for us, because if you contemplate some statutory provision it has got to be put in language which can have a definite legal application. General phrases, of course, would not secure it. I follow you are saying you think the statutory protection should be for a period, which you suggest should be 30 or 50 years, but can you help me a little more and tell me, in the language of a legislator, what is the sort of clause or the effect of the clause which you have in mind (I do not want you to draft the words) when you suggest the statute should contain provisions for your economic protection?—I could only ask for a repetition with its more practical enforcement of paragraph 346 of the Montagu-Chelmsford report.

38. I think it is worth while reading this. It is paragraph 346 of the Montagu-Chelmsford report. The authors of the report say this: "Some reference is needed also to the case of the large Anglo-Indian community which on historic grounds has a strong claim on the consideration of the British Government. It is not easy for them, occupying as they do an intermediate position between the races of the East and West, to win for themselves by their own unaided enterprise a secure position in the economy of India. They have been hitherto to a great extent in political and economic dependence on the Government; and they would not be strong enough to withstand the effect of changes which omitted to take account of their peculiar situation. We think that Government must acknowledge, and must be given effective power to discharge the obligation to see that their interests are not prejudicially affected." Of course, we all have that paragraph in mind, and it is a very important one; but what one notices is that so far as the constitutional structure of British India following upon the Montagu-Chelmsford report is concerned, it is rather difficult to find a clause in the Act which can be said to provide this economic protection. I have not any doubt that you and others who work with you have thought this out very carefully. I wondered, therefore, whether you could make any suggestion to the Conference as to the form in which the statutory provision might be touched, or the substance of it?—(Mr. Maguire.) What I would suggest is that some definite clause should be inserted in the Act. After all, what we have there (in the Montagu-Chelmsford report) is merely a recommendation that there should be something definite in the statute which would give a period of protection to the Anglo-Indian community, purely on an economic basis.

39. Do not think I want to worry you at all; I only want your help. I do not think it is possible to write down a clause which would provide in those terms, or anything like those terms, that the Anglo-Indian community shall be economically protected. A clause in an Act of Parliament has to say something specific?—It would, of course, have to be carefully framed, but I think our general feeling is that up to now, though the intentions have been good,

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the effect as far as we are concerned has been rather disastrous, and unless we have something which is really binding in the Act—for a certain period, I do not say for all time—we should feel very insecure. If it could not be inserted in the Act itself, there might be something very specific in the Instrument of Instructions given under the Act itself.

40. *Mr. Hartshorn* : On page 55 of your Summary you ask that "the present number of Anglo-Indian and domiciled European lower and upper subordinates, be not reduced for a further period of 50 years." You have about 14,000 men employed, I think, out of about three-quarters of a million on the railways, and you are asking that that number should not be reduced, but that you shall continue to have at least 14,000 on the railways during the next 50 years. Is that the kind of thing you mean when you are asking for this guarantee?—(*Colonel Gidney*.) That is the kind of thing.

41. That would be one item that you propose?—Yes.

42. *Chairman* : I am obliged, Mr. Hartshorn. That helps to clear that up. What was in my mind was this. I do not want us to fail to consider very carefully and sympathetically any proposal which you would wish us to examine, and you suggest that something should be inserted by way of amendment into the Government of India Act, and I feel a great deal of sympathy with much of what you say. I think everybody feels sincere sympathy for the difficulties of your community, but I must tell you frankly that I see very great difficulty at present in knowing how to frame a clause in the Government of India Act. It may be that Mr. Hartshorn has put his finger on the real answer, that you do not expect to get the constitutional instrument, the Government of India Act, so revised as to contain a clause, but you would wish to secure protection by authoritative direction, if you like, such as this proposal that the present number of Anglo-Indians and Domiciled Europeans employed in the railway is not to be reduced for a period?—Yes. (*Mr. Maguire*.) It might find a specific place in the Instrument of Instructions rather than on such general lines as are there already.

*Colonel Gidney* : Might I just amplify that? At the bottom of page 300 of the Memorandum, I have stated that it is owing to the present constitution, in other words, the reflex action of reforms, that we to-day find our economic position so insecure, and, although it may not be embodied in a Government of India Act, I think you will agree with me that the Lee Commission enacted that a certain percentage of appointments be given to Europeans and a certain percentage to Indians, and since that has become operative as a part of the policy of the Government of India I beg that you will consider our case in that light, and legislate for us on similar lines.

43. We have that, of course, fully in mind, but you also have in mind that the recommendations of the Lee Commission primarily refer to All-India services, and, of course, the interests of your community are very largely tied up with recruitment to the provincial services?—No, Sir, forgive me. We are nearly 85 per cent. employed in the All-India services.

44. You say 85 per cent. of the Anglo-Indian community, so far as it is officially employed, is employed in All-India services?—Yes, that is the characteristic point about our employment.

45. I think what you mean is not All-India services; you perhaps mean Central services?—I mean by All-India services those that are controlled by the central Government of India. Might I amplify it? We have a population (I will put it roughly) of 50,000 employable men in the community, 14,000 of these, together with 4,000 domiciled Europeans, are employed on the railways, 2,000 more are employed on the telegraphs, about 2,000 more in the Customs, about 300 more in the Post, about 300 in the Survey, 600 in the I.M.D., in the Salt, etc. These are all Government of India services, and we have very few of the community employed in the provincial services; in fact, we may say that we are negligible

in the provincial services, the only provincial service we have any concern with is Education.

46. Before passing it on to others, may I call attention to what you say on page 298. You refer there to the definition of a European as given in the Schedule 2 of the Electoral Rules of the Legislative Council?—Yes.

47. "A European means any person of European descent in the male line, being a British subject and resident in British India, who either was born in, or, has a domicile in the United Kingdom, or, in any British possession, or, in any State in India, or, whose father was so born, or has, or had up to the date of the birth of the person in question such a domicile." Then, I understand you to say that if that was liberally interpreted, the definition should be taken to include almost the entire Anglo-Indian and Domiciled European community?—Yes.

48. Just show me why you say that. Of course, the Anglo-Indian and Domiciled European community is domiciled in India?—Yes.

49. What are the words, then, in the definition which would cover that?—Well, sir, take myself as an example; I can claim to be in the European electorate. It is the first generation of any mixed marriage or a marriage between a European and an Anglo-Indian lady who can be on the European electoral roll, and are entitled to do so. But I am not pressing that point to-day. My desire has altered since the receipt of the recent Government of India despatch, because, it has instructed me to take the status of a native of India, and I am prepared to do it.

50. That is a very important statement?—I am prepared to do that, and I do not desire to press this point of the European electorate definition except to impress upon you that by this elasticity of definition of a European the Anglo-Indian community is deprived of much of its strength. Then there are certain side factors, such as social advantages on which I shall not dilate, certain other amenities, and advantages, such as more liberal Railway leave rules and salaries for Europeans which bait the unpigmented members of my community to deny their nationality and enter the European classification, thereby depriving me of their numerical and financial strength.

51. I am very much obliged to you, because that is a very important statement; I have not seen it in public before. Do I understand rightly that since the communication to you of the Secretary of State's despatch last September you are resolved to take up the position in the light of that despatch that you and those for whom you speak accept the position of native of India, and endeavour to protect your rights by a proper constitutional provision as such?—Yes, but as a special community. The only proviso make is embodied in \* \* \* \* \* page 298 of our Memorandum in which I have asked that a definition be formulated for the entire domiciled community and to embrace within it all those who can claim employment as natives of India under statute. I want to include in my constituency all those that should be in it. I do not desire, as prevails to-day, that any member of our community should secure economic advantages reserved for natives of India and at the same time be eligible to exercise his political vote in the European constituency.

52. That answers the only question I wanted at the moment to put. We all notice, of course, that you are urging that there should be extension of the method of election for Anglo-Indian representatives. I was going to put to you a question as to the principle on which you thought the list of voters should be drawn up, but your last answer really covers that point?—Yes

\* \* \* \* \*  
53. *Sir Arthur Frome* : \* \* \* Arising from a reply to some questions put to you by the Chairman about the army, would you have any demand from your community for enlistment as private soldiers in the British Army?—Yes.

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54. This is not a very great point, but I would like to clear it up. I think you put it as rather a privilage of your community that they are not eligible to serve in the British Army as private soldiers?—Yes.

55. Is that really a concrete privilage? Is there any demand in your community to enlist as private soldiers, on very poor pay per day? It is a small point? It is a big point with us. In common with every other community we look upon this ostracism from the Army as an insult, as an unmerited commandment. We are the direct issue of the pioneer Englishmen, and in the Great War you took of us freely; you enlisted our men and women in every branch of the British Army and gave us the pay of the European soldier; you enlisted our women as nurses on the European scale; you employed us then in every epidemic and capacity, while today we are offered admission into the Indian Army only as Sepoys on Indian wages, despite the fact that we are today employed in the Auxiliary Force as European British subjects.

56. That is perfectly true, that at a great crisis your community came forward to serve the Empire, but my point is that the prospects in the British Army as an ordinary private soldier are not very great; the pay is very poor and the duration of service is very short?—We have, today, Sir Arthur, 500 to 600 Anglo-Indians serving in the British Army who entered it during the War, and have been retained there, and are a credit to the British Army.

57. You are a member of the Legislative Assembly, are you not?—Yes.

58. Elected or nominated?—Nominated.

59. Who do you regard as your constituency?—I have no constituency which elects me.

60. Except the Anglo-Indian community, perhaps?

—I have got a seat in the Legislative Assembly by virtue of a nomination by the Viceroy, but I always consult my community, which is spread over the whole of India and Burma.

61. You told our Chairman that your community had accepted the status of statutory natives of India?—Yes.

62. That being so, in the Legislative Assembly you hold a nominated seat as a native of India—an Indian?—Yes, as an Anglo-Indian.

63. So your community is one of the many communities of Indians in this country?—Yes.

64. Has there ever been any attack on your community as part of the great population of Indians in India? Has there ever been any legislation, or anything of that description?—I say, with all respect to my Indian legislative brothers, that ever since I have been in the Assembly, i.e., for the last eight years, I have been subjected to almost daily attacks on the position the Anglo-Indian community occupies in the various services in this country. There has been a continual attack on us, by questions, by resolutions, by cuts in the budget and other such measures. I am, however, pleased to say that my Muslim friends have not as a rule participated in these attacks.

65. Is it for that reason that, having accepted the position of a statutory Indian, you fear for the future of your community?—Yes. You asked me just now, and Sir John Simon also asked me, whether I had "accepted" the position of a statutory native of India. In reply I should say I had no alternative but to accept that position—indeed, that status was imposed on me by parliamentary statute and has been recently reiterated by the Secretary of State and Government of India—and I am prepared to take it.

66. *Chairman*: I have the statute before me now, and it is always a good thing to look at the document. You, Colonel Gidney, were quite right when you said it was the Imperial statute of 1870. It is in the Indian Councils Act of 1870, 33 Vic., Chapter III. It is not in the Naturalisation Act (though it is the same year as that) but in quite a different statute.

For the purposes of that Act there is a definition of the words "natives of India," and this is the definition: "For the purposes of the Act the words 'natives of India' shall include any person born and domiciled within the dominions of Her Majesty in India of parents habitually resident in India and not established there for temporary purposes only." What one notices is that that definition has got nothing to do with mixed blood; it would apply to a man whose ancestry was European on both sides, if the parents were habitually resident in India, for it says, "the words 'natives of India' shall include any person born and domiciled within the dominions of Her Majesty in India of parents habitually resident in India and not established there for temporary purposes only"?—Yes.

67. That is a rather striking thing?—That includes the Anglo-Indian community.

68. It includes them, but I wanted to point out that as a matter of statutory definition this phrase (which I can quite understand is carefully scrutinised by your community) is a phrase which is not directed in terms to what I may call mixed blood, but would apply equally to a gentleman whose ancestry on both sides was purely European?—That is why we include in our community the "Domiciled European" also. I accept that; that is so.

69. *Sir Arthur Froom*: In the letter which the Secretary of State addressed to the Government of India, and which the Government of India wrote to you in September last, there is some suggestion that the employment of Anglo-Indians should be safeguarded on the railways?—Yes. It is on page 278.

70. Are you satisfied with that suggestion?—Yes; if put into effect, and by statute, we should be quite satisfied.

72. *Sir Arthur Froom*: Your reply is, you would like statutory effect given to it?—Yes, and it should be applied, among other services, to Telegraphs and Customs also.

73. I was coming to that. I think you mentioned to our Chairman that there are four great services in which your community have been employed in considerable numbers. Railways, of course, we know. Then we have the Customs, the Post Office and the Telegraph Department?—Not the Post Office now.

74. But you were employed in the Post Office?—Yes, very largely many years ago.

75. And the Telegraph Department?—Yes; also the Indian Medical Department.

76. My difficulty is this: Would you want something inserted in any future Government of India Act to provide for special employment of the Anglo-Indian community in all these departments?—Yes, if that is possible.

77. If it were possible; but as statutory Indians what would happen? Suppose the Mahomedans asked for something to be put in the Government of India Act of their community, and the Sikhs said: "We want some special employment." I do not know if they would like it put in, but suppose they did? I mean, if one class of the Indian community demands statutory protection for employment in certain of the Government services, would not it tend to make other communities emulate their example? I see some difficulties, and I want you to suggest how they may be got over in favour of your community?—At present I see no need for such statutory enactments for the other big communities, such as Muslims and Sikhs, because in all pacts—written or unwritten, provincial or Government of India—the question is always a settlement between the Government and the Muslims and Hindus, while the Anglo-Indian is a very remote afterthought. He is never considered in these pacts now. As a matter of fact his present position is in such jeopardy that he is being displaced from the Services owing to the clamorous demands of other communities, and there is no need for any special enactment for them. For example, if there is a High Court judgeship or other

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such appointment going vacant, a Hindu or a Muslim demands and gets it; but the claim of the Anglo-Indian is never considered. I can give you a recent instance of an Anglo-Indian who passed fifth in the last Forest service competitive examination. There were four vacancies, and he was the first Anglo-Indian who had ever qualified for entrance into this service by competition. Three of the four vacancies were given to the first three candidates; for the fourth vacancy, i.e., to adjust communal inequalities, the Anglo-Indian was overlooked, and either the twenty-ninth man, the twenty-fourth or twenty-sixth on the list, all of whom are Muslims, is, I understand, going to be selected. My claim is entirely overlooked. Here is a specific instance. There is also another specific instance in the Government of India Finance department, in which the Honourable Member was in need of an assistant financial advisor and asked for an Indian, overlooking the claims of a senior qualified Anglo-Indian, and it was only when he could not find a qualified Indian that he took an Anglo-Indian. It seems to me, that even the Government of India places us in the position of a very remote second thought in these settlements, and that is why I am so desirous of having some statutory protection for a certain number of years, until I am sufficiently educated to run a level race with the Indian.

78. Following up my point, let me say I am not trying to raise difficulties; I want to clear them up. It is within the knowledge of most of us that we frequently have questions put in the Central Legislature as to how many Mahomedans are employed in such-and-such services, and if the number is below a certain figure why more are not employed; so the various communities are not altogether satisfied with the proportion of their enlistment in the various services. My point is that if you demand some statutory protection, would not we get these other communities demanding statutory protection?—I have no objection to them doing so.

79. And where would the end be?—I quite see your point, and I do not think there is any objection, if their demand be made on the basis of their present employment, or to their protection for any limited period such as we have asked. Indeed, I should like to draw particular attention to page 278 of our Memorandum, which satisfies Sir Arthur Froom's questions. . . . . are Natives of India on . . . . . we instance a Government member making a statement in the Legislative Assembly in which he creates a cleavage in as far as he calls Anglo-Indians one community and he calls the rest of the other communities "Indian communities," and he intensifies this further on by saying: "I have reduced the number of Europeans and Anglo-Indians, and those posts have been given to Indians." If, as an Anglo-Indian, I am a native of India, how can you Indianise an Indian? If I am an Anglo-Indian and a native of India, why should I be replaced by another Indian when I am doing a job well, especially in departments as the Railways, Telegraphs, Customs, etc., which we have built up? That is our difficulty; Government themselves create this cleavage. That paragraph is a very important one.

80. *Chairman*: Page 278?—Page 278. \* \* \* Lower down the page \* \* \* you will find the following: "The Railway Board recognise that there are now members of other communities," so I am evidently separated from other communities; and further down it says: "The position actually is, therefore, that the Railway Board have informed Agents that they consider that Indians should be given the same opportunities of showing their aptitude and capacity for these posts as Anglo-Indians, with the result that they are obtaining an increasing number of these posts. The latest figures I have got show, for example, that in 1927 among the subordinates drawing Rs. 250 per mensem and over, there was a reduction of 50 Europeans, a reduction of 44 Anglo-Indians, an

increase of 121 Hindus, an increase of 38 Muslims and an increase of 50 of 'other classes.'" I do not object to that at all, but if I am to be called an Indian, and if I accept the status of an Indian, why make this classification between me and other Indians? You do not make it between Parsis and other Indians. That is the insecurity of my position.

81. *Sir Arthur Froom*: I see your point, that in this Indianisation scheme the Anglo-Indians should be included. Is that your point?—Yes; but though by statute we are Indians, the Indian refuses to recognise this and looks upon us as aliens. This is our fear.

82. *Chairman*: Is not your real point this, if I may put it for you: You say that as things are, there is a very grave practical risk of the Anglo-Indian being squeezed out between the upper and the nether millstone?—Quite right.

83. From the point of view of one body, the body that calls itself thoroughly and completely Indian, the Anglo-Indian is treated as not being inside that body. From the point of view of the other body, which is called European, the Anglo-Indian is not treated as if he was of that body; and therefore, when you come to consider how the different communities should get their share, and none of them should be unduly excluded, there is a very grave risk that your community will be repudiated by each set in turn?—That is right.

84. That, I think, is your real point, is not it?—Yes.

85. *Lord Burnham*: But it is something more than that. From page 280 it appears that this is not only supported but proved by the figures—I will assume them to be correct—given by these gentlemen in their Memorandum, where the elimination of the Anglo-Indians is said to be concealed, I do not know whether truly or not, in a Note which says: "The number of Anglo-Indians was concealed under the guise of and together with 'Other Classes.'"—I might have used a better word when I said "concealed."

86. That is the word used here, and that is what I am asking about.—That was at a time when the fever of Indianisation was at a very high temperature.

87. *Colonel Lane-Fox*: Was not that written before you had accepted the full status of Indians?—No, sir, that was written before I received the recent despatch from the Government of India.

88. Therefore it was before you had accepted that status?—Yes. I again beg of you, Mr. Chairman and the Conference, to understand that the acceptance of that status is nothing new. It is an old discovery on new legs. I am taking it because it was imposed on me by Parliament in 1870, many years ago.

89. *Chairman*: Yes. I quite agree with you, Colonel Gidney, that you need not stress the word "concealed." All it means is this, that if you take the column headed 1925 the number of Anglo-Indians was not separated out, and other classes were therefore included?—That is right.

90. But when you come to the next year, 1926, the number of Anglo-Indians was separated out, and therefore you can see the number clearly?—Yes. But that separation was done in reply to a demand by the Indians.

91. I do not think you suggest that there was any attempt made to conceal it; it was merely that the figure was an inclusive one?—May I again repeat that that separation was again made in reply to a demand by the Indian Indian. When in 1925 Indian members asked, "How many of these are Anglo-Indians?" the Government member could not reply, and so in the next year Government showed Anglo-Indians and Indian Indians separately. I withdraw the word "conceal," as I did not use it in any derogatory sense.

92. What you meant was, it was a figure which included them?—Yes.

93. *Sir Arthur Froom*: Does your community find much employment in services other than Government services?—Very little at present.

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94. Can you explain why?—My first explanation of that is that it is a poor community, and to launch out into independent vocations one must have capital to start with, and so we have for many years been employed as servants of Government.

95. I suppose the opening for clerks in commercial business, when all is said and done, cannot be very numerous?—No.

96. So that really leaves your position in the central services still more important?—Yes. And we cannot emigrate, because we are prevented.

97. Do you lay great stress on what you have headed in your Memorandum as jury rights? To put the question in another way, do you suggest that in a trial in which the jury are composed of Indians the members of your community might not get a fair trial?—I have reason to say so. I have reasons to admit that statement. I say it exists only in those cases where communal feelings run high, and I give as my reasons the same reasons as the European and the Indian have given, and that is, I want a jury who understands me. A jury is meant to give an accused a sense of confidence. If the Englishman has his customs, and if the Indian has his customs, and they can both demand a majority jury, I also want the right to demand a European or an Indian jury, and I want everyone to have a similar right. As the law stands to-day, I alone must prove legitimacy and my European descent before I can claim an European jury. My father might have been a soldier from England; he had no time to put his baptismal certificate in his pocket, or the records of my grandparents' marriage may have been destroyed during the Mutiny. I do not fear that the Englishman or the Indian would deliberately do me a wrong, but if an Englishman has a right to a majority European jury, and an Indian has a right to a majority Indian jury, why should I alone be denied this? Why should I be called upon to produce evidence of legitimacy? Unless I produce this I am denied a jury of people who know my customs. I claim the same right as Europeans and Indians. If they have got a right, why cannot I have the same? Extend the privilege to all, because then there will be no communal bitterness or mistrust.

98. *Mr. Kikabhai Premchand* : On page 300, under the head of "Nature of our Demand," you say that the teeming millions of India have in the past shown a marked hostility towards your community. What, in your opinion, are the reasons for this hostility?—The reasons for this hostility are endogenous and exogenous. They are partly due to us and partly due to the Indian.

99. You have said somewhere that it is more due to your supporting the Government. Is that so?—Very largely, for we are often placed in open hostility to the Indian.

100. And, of course, in supporting the Government when the latter went against the opinion of the people, you went in favour of the Government?—That is one of the main reasons.

101. Is there any opinion commonly held and expressed that the alleged hostility is due to the supercilious attitude of the members of your community towards Indians in general?—Had you said this ten years ago you would have been quite right. To-day it is practically dead.

102. It has changed?—To-day we are more together than we have ever been, and I hope we will be closer, as brothers.

103. I am glad to hear that. Would you be content if your community was treated in all respects as Indians?—Yes, with certain safeguards for a limited period.

104. The safeguards that you mention here in the Memorandum?—Yes. My reason for that safeguard is that I have played a part that no community has done in the development of this country, and I say it openly. I say I have not only played that part; I have played it in every avenue of development of the country, and we feel that for

that reason, if for no other, we are entitled to some protection for a limited period until we educate ourselves.

105. You say here that the railways, telegraphs, and so on, employ large numbers of your community, and you do not want your community to be displaced in the services. If the employments are thrown open to all Indians, and if qualifications are the sole test, do you think you will still require special protection for the interests of your community?—Yes, for that limited period.

106. If the test is qualification, even then will you require protection?—Yes. I will tell you why. My educational system with which we have already dealt in the Sub-Committee—the Chairman will know about that.

*Chairman* : Yes.

*Witness* : My education has been imposed upon me. My education is a system that is foreign to India, and that has placed me in hostility with the Indian universities, and I am handicapped. I was unprepared for this change in administration, for I was sitting in the lap of Government quite securely, I thought, and now I find I am forced to run a level race with you, and I am unprepared. That is why I want this grace; that is why I want protection for this time.

107. *Mr. Kikabhai Premchand* : I am looking at your proposal for protection for 50 and 30 years. What do you think will be the progress of Indianisation of services so far as communities other than yours are concerned?—I am not concerned with that progress, but I have no doubt that that progress will be very rapid.

108. Very slow, because you want a protection for 50 or 30 years?—After all, it would mean a drop in the ocean for the Indian community—a few appointments for your many millions—but for us it is our bread and butter. It is for another 30 years only that we seek this special economic protection.

109. Now will you turn to page 301 of the Summary. You say: In regard to the Indian Audit and Accounts department, that in view of your low level of education you want 15 per cent of the vacancies to be given to your community by nomination?—Yes.

110. Will you consider the claims of other educationally backward communities too?—I would not object to them having nomination.

111. And if all such communities are given direct nomination, what will be the standard of efficiency of the services?—The standard of efficiency was not lower before degrees were demanded as a qualification for these appointments.

112. What I mean is, if your community is given 15 per cent, and the Muslims and the Hindus and the Sikhs and the Jains are all given 15 per cent, the standard of efficiency will be affected, will it not?—I do not think so, because the standard here is based on a degree, and a degree is not always the only qualification for making a good officer; in fact, no degree is asked for from the same men competing for the same appointment in England; it is only asked for in India.

113. Then on page 301 you say you want 50 lakhs to be capitalised for a period of 30 years for the education of your community. Have you considered if there are other directions in which the revenues of India are more urgently required for expenditure, like sanitation, malaria, village dispensaries, elementary education?—I think those are all provincial subjects. This is a Central Government of India demand I am making.

114. In the Central Government services there are demands for the national-building departments?—I do not know that there are. I know there is some supervising control over them, but I do not know that there are any specific demands for them. We had a demand last year for 50 lakhs for the archaeological department to unearth the remains

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of dead civilisation. My demand is for the living and newly.

115. Supposing there has to be some change in the Meston Settlement that will make a reduction in the Central Government's revenues, that will make a reduction in its expenditure too, will it not?—I lose your point. I made this particular demand for education because I felt we had a claim, and I say here that we have a special communal claim on the Government of India for a certain period of years to equip us educationally so that we can do what we want to do, and what Government wants us to do, and what you, as a brother of mine, want us to do, i.e., to be an asset to India.

121. *Mr. Kitchabai Poochund*: You say you want Law and Order to be placed under the special care of Governor and the Governor-General. Can you give me some instances where legislatures have proved themselves unfit to take care of these subjects?—I think the legislature broke down very seriously in the recent Calcutta Hindu-Muhammadan riots.

122. That means your objection is directed towards Indians being placed in charge of Law and Order?—No, not a bit.

123. Are you aware that in Madras an Indian held the portfolio of Law and Order?—We are well aware of it.

124. Did that break down?—I believe it failed towards the end of his tenure.

125. *Raja Naray Ali Khan*: On page 296 you say: "If Government is to be efficient as well as equitable, representative bodies must be amenable to the guidance of the executive and our first care should be the devising of a stable ministry and a secure civil service." Do I understand you to mean that in this country the legislature should be subordinate to the executive?—No! but my memorandum refers particularly to the Central Legislature.

126. You do not refer to the provincial legislatures?—No.

127. And your opinion is there should be no change at present in the Central Legislature?—I think there should be a marked change in the Central Legislature.

128. On page 297 you say: "In fact, the Anglo-Indian community would view with considerable satisfaction the formation of such a body into which might be gathered persons who are eminent by their ability, knowledge or service to the country." You refer to the formation of a Second Chamber?—Yes.

129. Do you contemplate that these members should come in by nomination or by election?—I should prefer it to be by nomination.

130. All these members are to be there by nomination?—Yes.

131. On page 297 you say: "The conditions that prevail at present in India make communal electorates imperative." I think you have in mind the Hindu-Muhammadan difference, have not you?—Yes.

132. I want to know how these communal feelings affect your community. If it is a quarrel between Hindus and Muhammadans, how does it affect your community?—I am a minority community too, and when I admitted just now it was mainly a communal issue between Hindus and Muhammadans. I included in that all minority communities. It is not a feeling of hostility but a feeling of insecurity as a small minority community. I want the protection of all minority communities.

133. Have you anything to suggest to eliminate communal differences from the country?—As India is to-day I cannot suggest anything; I cannot suggest any alternative to communal electorate. I, however, hope that the time will come when this will not be necessary.

134. *Sir Hari Singh Gour*: In your memorandum you have said that you want a certain percentage

of appointments in the railways, telegraphs and customs earmarked for your community? It is on page 301?—Yes.

136. You want a lower qualification provided so as to secure the admission of your community into these services?—No, I have not mentioned that at all.

137. I will read you the passage. "That owing to the manifest injustice consequent on the sudden change of policy in the matter of recruitment to the superior railway services, which now demand a degree qualification, the L.A. or L.Sc. be accepted as a qualifying examination." I understand this to mean that so far as members of your community are concerned, the lower qualification should suffice, whereas the general qualification is a degree?—I personally, am not prepared to admit that the Senior Cambridge is in some respects a lower qualification than the L.Sc. A Senior Cambridge Anglo-Indian has been hitherto accepted as the equivalent of the B.A. because he knows more English than a B.A.

138. I am dealing here with L.A. and L.Sc. Kindly read paragraph (2). The general qualification is a degree, but in the case of your community, I presume that an L.A. or L.Sc. is to be regarded as sufficient. That is what you have said?—I say it should be accepted as a qualification.

139. That is it. Your suggestion is that whereas a degree, which is laid down as a qualifying test . . . .—You are right. I beg your pardon. I did not quite follow.

140. What you really want, so far as the railways are concerned, is that while the qualifying test in the case of other candidates should be a degree, as is provided, in your case a lower standard should, for a period, be regarded as sufficient?—Yes.

141. You know that introduces a disparity in the qualifications of candidates applying for admission to the railway service?—I do not think so, because on again referring to this part of the memorandum I find I make no separate communal claim for the L.Sc.

142. Do you think a member of your community who is an undergraduate and has passed only the L.A. or L.Sc. examination will intellectually be equal to one who has passed his B.A.?—He has done so for the last fifty years, and now you have this sudden introduction of a degree, which upsets us suddenly. *Mr. Maguire*: The position, I think, is this. Is it a necessary and absolutely essential qualification for these appointments that a man should hold a university degree? Is it so in any other part of the world? Our position is this. You are asking for a certain qualification which is not essential for efficiency, and what we say is this. If it pleases all other classes of Indians to place their qualifications for an appointment as high as a B.A., a university degree, inasmuch as our system of education has run in a different direction up to now, along the lines of the Cambridge University, we are not in a position to provide you with men with degrees, and you must give us some facility in that direction for a short time. I maintain it will not lower efficiency, because a university degree is not a necessary qualification for this particular appointment. I will give you a case in the Calcutta Corporation. It was suggested to make one of the qualifications for a lighting inspector that he should hold a university degree, and I opposed it on the ground that the degree was not an essential qualification.

143. Do I understand you to mean you think the qualification of a degree should be done away with as a rule, because a degree is not a good test of the intellectual ability of the particular candidate in the class of work for which a degree is now required as a preliminary qualification?—I say a degree simply shows the training of a man's mind in a particular direction, and cannot be used as a sort of universal test for his . . . . . sections.

[illegible]

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our community is closely concerned is European Education.

159. *Bas Bahadur Rajah*: Am I to understand that you pay largely to the education department?—From the income tax point of view and the super-tax point of view, I think we pay a considerable amount of money to the exchequer of the Government of India.

160. And do you ask on that score for these 50 lakhs?—I have an additional reason. The community has in the past rendered exclusive service to the Government of India, e.g., in the Customs department, which has added thousands of crores of rupees to the Government of India exchequer. Then, again, the domiciled community constitutes two-thirds of the Indian Auxiliary Force and has formed the major part of all such previous corps for the past 60 years. The Auxiliary Force is the second line of defence of the British Army in India, and, as such, occupies a distinct place in the military defence of India. This is a purely Volunteer Force, though the Railway Battalions are conscripted. Nevertheless, we are a source of great economy to the military expenditure of India, for, to replace us in the Auxiliary Force, at least 15 to 20 British Regiments would have to be added to the present strength of the British Army in India. We, therefore, in this manner, constitute a saving of over 2 crores of rupees to the Government of India, and in return, surely it is not an unreasonable request for 50 lakhs to be capitalised for 50 years for a community that has done so much for India and its development, and who today voluntarily and so materially helps in the defence of the country, and whose future economic salvation depends so largely on adequate higher and vocational education. We have served India and the British Empire loyally and well. We are the descendants of those Britishers who made the Indian Empire. We helped those pioneers and as their issue we, who are being, as it were, discarded in response to Indian clamour and aspirations, feel that we have a moral claim on England and India to this help in our hour of need.

161. As regards the services, you are for the constitution of a Public Service Commission for the local councils also?—I am in favour of there being a Public Service Commission or a selection board or some such institution, in all provinces, and I beg the Commission here to realise that considering my economic condition is so insecure we desire that Anglo-Indians be appointed to each one of these Commissions.

162. I suppose in case you have a member of your community in the Public Service Commission, your representation in the services will be safeguarded?—Yes. We feel that, as things stand at present, unrepresented as we are on any of the Public and Provincial Service Commissions, our interests are overlooked—indeed, neglected, and so no matter how eligible any of our candidates are they receive scant consideration. The increasing exclusion, almost to extinction, of the community in the provincial services is abundant evidence of this belief.

Take the railways: It is known that the fireman and the ticket collector of today are the upper subordinates of tomorrow, and 15 per cent. of these people enter the official grades and in time become officials. Well, take the present system by which these subordinates are selected today on all railways. Every week a committee of railway officials meets and interviews a body of applicants and they select those whom they consider best. I do not object to this method, though even today the community is feeling the pinch of exclusion, but what of the immediate and especially the remote future? The honourable member in charge of Railways takes great pride in the fact that he is today Indianising the railway official cadre at the rate of over 70 per cent. (vide his 1928 Railway Budget Speech)—I mean Indian Indians, for very few Anglo-Indians are being accepted into the official grades, and 40 per cent. of those in it are only officiating, and so exercise very little influence

and have no say in the matter of selection of subordinates. At this rate of Indianisation it cannot be denied that 70 to 80 per cent. of these selection committees will very shortly be Indian officials and that Anglo-Indians will have no chance of being selected as subordinates, for it is only natural, blood being thicker than water, that these Indian officials will prefer to engage Indians as subordinates. This is my increasing fear of ultimate extinction from the railways, against which I urge for statutory protection.

163. *Sir Hari Singh Gour*: I have one short question to ask on page 278, where you refer to a speech by Mr. A. A. L. Parsons. Is not the statement that the same opportunities should be given to Indians, and so on, a reference to the fact that until recently there were two grades in the railway, one for Europeans and Anglo-Indians, and the other for Indians?—No.

164. He is pointing out there that the reserved appointments for Anglo-Indians would be now available also to Indians?—I might remind you that that remark was made in a demand for a cut that was made on the upper subordinates of the railways, those drawing Rs. 250/- and above *per mensem*.

165. *Mr. Hartshorn*: Could you tell us the kind of jobs on the railways for which a degree is required?—For all the superior railway services today, even for an apprentice for the superior locomotive department. I am positive of my statement. An I.Sc. is required from an Indian or an Anglo-Indian before he is accepted as an apprentice for the superior railway services (transportation and power), and they allowed us to come in with the Senior Cambridge before. The door is closed to us today.

166. I see you have three tables here of the number of persons employed in the railways?—Yes.

167. In the one you give an aggregate—this is page 279. I see your total figure is 14,007 Anglo-Indians?—Yes.

168. You have only given the other statistics for three years?—Yes.

169. In all your other statistics dealing with the Telegraph department and Customs, and so on, you have given a series of years?—Yes.

170. Take, for instance, page 283. There you show that while the sanctioned strength is 254, the number of Anglo-Indians has declined year by year, and the number of Indians has increased until today you have a very different position from what you had nine or ten years ago?—Yes.

171. Have you not similar statistics for railways?—Unfortunately I cannot supply you with them. I asked for them, but the year 1925 synchronises with the time when the Government of India took over State Control of the railways. Before that year all were company managed railways, and they had their own statistics, and these I could not obtain from them. I tried my utmost to obtain these figures for the past ten years but failed.

172. You are not in a position to say whether hitherto you have had more than 14,000 on the railways?—No, we have not had more than 14,000.

173. So you have about your maximum strength at present?—Yes.

174. And that is what you are asking to be assured for the future?—Yes. I am in no position to contradict a statement that I had more or I had less.

175. Because these figures as you have given them seem to indicate now that instead of your numbers going down in the last few years they have gone up?—Yes, to a certain extent, but there has been an increase of a lakh of mileage in the railways. Taking communal totals of railway employees we have very little representation compared with the Indians, the Muslims have also suffered very much.

176. *Major Attle*: What is the rate of growth of your community?—Taking the census, it is 11 to 12 per cent. per decade, but we have had a tremendous increase in it lately.

177. *Colonel Lane-Fox*: Really what you ask is, as a minimum, that the Government of India Act should lay down, if possible, that Anglo-Indians should



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have the full rights of Indians according to the status which has been imposed on them?—Plus this protection.

178. Yes, but that is the minimum you ask—that they should not be deprived of any right which the Indian possesses?—Yes, but European Education, of course, is a different matter entirely because that is inseparably associated with my religion; European Education has been a separate thing from its very inception, and is based on our culture, etc.

179. Lord Burnham: With regard to Colonel Lane-Fox's questions, I understood from the evidence you had given that you asked for something more than statutory equality, you asked for a convention giving you the same proportion of posts as hitherto?—Yes.

180. With regard to the argument alleged in \* \* \* \* \* page 280 of your Memorandum, would it be fair to say you attribute a good deal of your present plight—if you can call it so—to the fact that the Government of India has accelerated the Indianisation of the superior railway appointments a good deal beyond the principle laid down by the Lee Commission?—Very much so, at a much faster pace.

181. You say on page 281 that Indianisation of the superior railway service will be 70 to 80 per cent. in the next ten to fifteen years, as against the Lee Commission report of 75 per cent. in about twenty-five years?—That is so. It is admitted by the Honourable Member. It is on account of the university degree they demand from us to-day that we are being shut out.

\* \* \* \* \*

195. Chairman: There is another figure in the census returns which interests me a little. I see that out of these 95,000 odd in British India there are 47,000 females. I imagine that in your community the standard of education among women is high?—Yes. In fact, I think it is almost higher now than with men.

196. I am a little sorry there is no lady in your deputation this morning.—I regret it very much. She is being sworn into the Punjab Council this morning. I wanted her to come here, but her date could not be altered. On her behalf I apologise for her absence.

197. I am very glad indeed the community should have that further representation. In the case of elected Anglo-Indian members, do women vote as well as men?—Very few. They are eligible, but only those who pay a certain tax and come within the electoral rules.

198. Mr. Maguire, you are one of the elected members for Bengal. Is your constituency the Anglo-Indians of the whole of Bengal?—(Mr. Maguire): Yes.

199. Although there are two seats, they do not divide them geographically?—No.

200. How is the election really worked? In Bengal you have some 22,000 Anglo-Indians of all ages and both sexes, and no doubt you have a constituency of a certain number of thousands. How many thousands is it?—I think our electoral roll worked our last time to about 4,000.

201. Here then are 4,000 Anglo-Indian adults (mostly men, but including a few women) spread over that enormous area of Bengal, and we are told they elect you as one of their two members. As a mere matter of machinery, how is it done?—Our population is more or less concentrated at certain points. Calcutta is a very strong centre for us. Asansol has a large railway colony, and also Kharagpur and the people in the mofussil are generally concentrated at the large railway junctions.

202. Do you happen to remember how many polling centres there were when the election took place for the Anglo-Indian representation in the Bengal Council?—At out-stations I think there were fifteen polling stations, and in Calcutta alone we had about seven.

203. Was there a contest?—A very lively contest.

204. How many votes did the successful candidates get out of the 4,000? I want to see how far the constituency really polls?—About 1,900.

205. Perhaps you will let me have a Memorandum which will show me. I did not want to know who voted for whom, but how many of the constituency were able to vote?—We have those figures.\*

206. Do you think it would be an advantage or not if instead of having two members or more elected for the whole area, the area were divided up as far as electing Anglo-Indian representatives is concerned?—I do not think that would be very acceptable to our people, but what I would suggest as a matter of arrangement with the Government is that the period of polling should be extended and be longer than at present.

207. What is the period?—One day. As I have just explained, a large number of our people are workers on the railway and it usually is the case that half the running staff, both drivers and guards, are away out of their home station on the day the election takes place. If a man, for instance, gets his name registered at Kharagpur and suppose he is out of that station on the day of voting, Government does not allow him to vote elsewhere; they say that he must vote only at Kharagpur and nowhere else.

208. Of course, there are obvious difficulties, you see, in the election machinery; it is to be seen that people do not vote twice. Let me ask you one other thing. Do you suggest that as far as Anglo-Indians go the franchise should be lowered?—I would suggest that the franchise should be based on, say, a man who has had primary education.

209. What does that mean?—I mean literacy. As a matter of fact all our people—every man—every adult—is capable of exercising a vote.

210. You mean to say that you desire for the Anglo-Indian community adult suffrage?—Yes, and I think they are quite capable of exercising a very rational vote.

Lieut.-Colonel Gidney: Including women, too.

Chairman: I am interested to hear that.

Lieut. Colonel Gidney: We are cent. per cent. literates.

211. Chairman: Does that mean that there is no Anglo-Indian who cannot read?—(Lieut. Colonel Gidney): Yes, sir.

212. I see you suggest that for the future Assembly the Anglo-Indian member or members should be elected?—Yes.

213. I am not asking you at the moment how many there should be, but what sort of franchise do you suggest?—I suggest adult suffrage. There should be no restriction regarding the size of the electorate, it should be an entire communal electorate.

214. You said that the Legislative Assembly should have elected Anglo-Indian members—one for Bengal, one for Madras, one for Bombay, one for the United Provinces, one for the Punjab and one for Burma—and that there should be a nominated member to represent other areas. This would involve six elected members. Supposing for the sake of argument—I am not expressing any views at the moment—that claim was thought to be too big, but that this community of 95,000 people were none the less entitled to, say, two or three seats in the Assembly, do you see any difficulty in the matter of voting by constituencies which would be spread over a vast area?—I see your point and I see the difficulty. Might I, in reply, state that with the Anglo-Indian community it is quite a different matter. If you are to take education as the basis for the franchise in India then, out of the 350,000 Indians who are to-day studying in the middle schools the Anglo-Indian community supplies about 45,000, i.e., about one-eighth. If you take the secondary education out of 135,000 in this stage in the whole of India Anglo-Indians provide nearly 3,000. So then from the point of view of education, I submit very respectfully that we have a claim for larger representation in the Legislatures.



## Memorandum Submitted by the ALL-INDIA CONFERENCE OF INDIAN CHRISTIANS.

### I.—Introduction.

This Memorandum is being submitted by the All-India Conference of Indian Christians, and deals with some of the issues now before the Statutory Commission. It particularly attempts to examine the position of Indian Christians in the new constitution of India. The All-India Conference of Indian Christians was organised in 1914 in Calcutta, and has since then met every year in different cities of India. The last Session, which was the Fourteenth Session in succession, was held in Allahabad in December last year. Some of the most prominent Indian Christians have been called upon to preside over its deliberations, namely :—

Late Dr. George Nundi, M.A., LL.D., of Hyderabad, Deccan.

Hon. Raja Sir Harnam Singh Ahluwalia, K.C.I.E., Member of the Council of State, Punjab.

Mr. M. S. Das, C.I.E., M.A., B.L., for some time Minister in Bihar and Orissa Government, *ex* M.L.C.

Hon. Mr. Justice M. D. Devadoss, now of Madras High Court.

Rai Bahadur A. C. Mukerji, B.A., United Provinces.

S. C. Mukerji, Esq., M.A., B.L., M.L.C., Bengal.

Dewan Bahadur W. L. Venkatramiah, Madras.

Dr. S. K. Datta, B.A., M.B., Ch.B., *ex* M.L.A., Bengal.

K. T. Paul, Esq., B.A., O.B.E., Madras.

Dr. J. R. Chitambar, M.A., D.D., United Provinces.

Mr. K. L. Rallia Ram, B.A., Punjab, *ex* M.L.C.

Mr. B. L. Rallia Ram, B.Sc., B.T., Punjab.

This Conference is composed of delegates of the Indian Christian Associations representing all provinces in India.

The Conference appoints a Council and an Executive Committee annually.

This Memorandum is based on the resolutions passed at the different Sessions of the Conference. The present Memorandum has been prepared by a Special Sub-Committee.

### II.—Dominion Status, the Accepted Goal.

The famous pronouncement of August, 1917, declared that the goal of the British Administration was the establishment of responsible Government in India within a measurable time. The Indian Christian Community shares with the rest of the country the desire to see responsible Government established as early as possible. It accepts Self-Government within the British Empire on Dominion lines as the goal to be achieved. It desires to maintain its connection with Great Britain, and is convinced that the partnership of India in the Commonwealth of Nations will be for the mutual good of all concerned. The Community also welcomed the introduction of Reforms as the first stage towards the attainment of this ideal.

### III.—System of Diarchy.

In its opinion the principles underlying diarchy were sound as a step towards full responsible Government provided they could have been put into practical operation. Diarchy contemplated that certain departments of the Administration should be under the direction of the elected representatives of the people and administered by Ministers responsible to the Legislatures. In our opinion this system has partially failed for various reasons. Among others, the following :—

1. The inter-relation of reserved and transferred subjects at many points makes the exercise of full responsibility by Ministers over their departments extremely difficult, as is clear from the evidence given by several ex-Ministers before the Muddiman Committee. Unless the Executive which is responsible

for the administration of transferred subjects is given freedom to exercise its powers to the fullest extent with as few restrictions as possible, and unless it is permitted fuller control over the services which administer those departments, it cannot be expected to discharge its duties effectually. It is not necessary that the services should be recruited by the executive, or that it should have over them the right of final decision of appointment or dismissal—the interests of the superior services may need to be safeguarded—but at the same time Ministers should be allowed the greatest amount of liberty in choosing their own officers to carry out their policy. The appointment of Superior Services should, in our opinion, be with Public Service Commissions.

It is contended that the Secretaries to Government have had direct access to the Governor and in some cases have been able to carry their point as against their own superiors the Ministers. This procedure is at variance with the spirit of Diarchy. The Electorates and the Ministers should learn by successes as by failures and risking experiments. We recognize that in extreme cases when law and order are likely to be seriously affected, extraordinary powers must rest in the hands of the Governor.

2. The system of joint responsibility or what may be termed the cabinet form of Government has been absent in most Provinces. The real training in Self-Government can only come when party system on inter-communal lines is established and a cabinet form of Government can be introduced, so that the Governor will call upon the leader of the majority party to recommend the names of the members of the cabinet which in the ordinary course should be accepted by the Governor. It has even been contended that in certain cases Ministers have worked at cross purposes and have not acted as a team with joint responsibility for the policy of their administration. Only with the introduction of a cabinet form of Government will real responsibility rest on the Executive and the Legislature on whose will the Executive is dependent. These are some of the reasons why we contend that Diarchy in the provinces should be abandoned.

### IV.—Provincial Autonomy.

The All-India Conference of Indian Christians at its Twelfth Session held in December 1925 passed the following resolution :—

*Resolved* that the time is ripe for the granting of autonomy to the provinces and for the introduction of responsibility in the Central Legislature.

We believe that the time has come when the unitary system of government should be introduced by the grant of provincial autonomy in all the major provinces. This seems to us to be the solution of the problem. Any subject which cannot be transferred at this stage in the provinces might be *conceded* and directed by the Central Government, the provinces being given full power over the remaining subjects.

It is necessary, however, in our opinion to introduce joint responsibility and a cabinet form of Government along with provincial autonomy.

### V.—Diarchy in the Central Government.

While we have advocated the abolition of Diarchy in the provinces, we desire its introduction in the Central Government as the only means of advance at present possible. Unlike the provincial autonomy, it may not be possible for India to assume full Dominion Status at this stage. For one thing it will be necessary, when that step is taken, that the armed forces of the Crown should have been considerably Indianised. If we may be permitted to interject at this stage, we cannot but express our sense of the keenest disappointment at the decision of the Government in not giving effect to the recommendations

of the Sken Committee, modest as they were. We regard the broadening of the Government's Military Policy towards rapid Indianisation, and the training of Indian nationals for all ranks of combatant warfare, as an essential and integral part of any policy of enabling India to assume full responsible Government. The attitude of the Government in this connection is capable of much further advance, and we draw the attention of the Commission to this very vital subject.

Having accepted the position that complete Dominion Status at this stage may be outside the domain of practical politics, we urge that as many departments as possible should be handed over to Ministers in the Central Government, who will be answerable to the Legislative Assembly, and will hold office at its will. We are unable to examine in detail the implication of this suggestion. Roughly, Defence, Foreign and Political relationships will remain the responsibility of the Reserved Half of the Central Government. There may, however, be other subjects in the first instance that cannot be transferred.

If any subject or subjects are retained by the Imperial Government which ultimately should be passed on to the provinces, they can be transferred to the provinces by stages. From the nature of the case some kind of Federal System will have to be adopted for the future Government of India. As in the Canadian and Australian constitutions, the domain of the Provincial, Central or Federal Parliaments will have to be clearly laid down, the residuary power vesting with the Federal Legislature. While subjects in India must of necessity vary, we will suggest the demarcation on Canadian lines. It may be that in the beginning more subjects will have to be allocated to the Federal Parliament than in Australia or Canada. This division of subjects should be periodically reviewed till final adjustments have been arrived at, and a full blown Federal System has been evolved.

#### VI.—Representation of Indian Christians in the Legislatures.

This is the main subject with which the Memorandum deals, from the particular point of view of the Indian Christian Community. It is fully recognised that there are far more important and far-reaching issues before the Statutory Commission than the position of a particular minority in the civic life and the future constitution of India. Many important and influential organisations and qualified individuals will address the Commission on those momentous questions. Some members of our Community will have taken a share as members of those organisations in the formulation of those memoranda for submission to the Commission. We, therefore, refrain from submitting at length our views on such general questions in detail. However, we do not desire to give the impression that we are only concerned with the position of our own Community and are not interested in the larger and more vital problems of the nation. We deal mainly with this subject because it particularly affects us.

At the same time, the Indian Christian Community is greatly interested in the future constitutional development of our country, and will watch with interest the report of your Commission.

1. *Communal Representation is not the Ideal.*—We desire at the outset to state that the ideal constitution for India is one in which representation on civic bodies is not based on communal considerations and where sectional interests are subordinated to a common loyalty to the nation as a whole. If India is to attain Self-Government, the only Self-Government worth working for will be on that basis. Holding this view, we recognise that the only logical position for us is to advocate the abolition of all forms of communal representation, and indeed we are prepared to accept this position even though in some ways our own interests as a community

may for a time be endangered. All the same, we shall be most happy if it is decided to do away with the system of representation by communities. We are afraid, however, that sentiment in the country may make this achievement impossible for the present.

As a matter of fact, it is now generally accepted by a majority of our leaders that the only advance possible at the present time is by the representation of communities through reservation of seats in a system of Joint-Electorates.

#### 2. *Common Electorates for Indian Christians.*—

In case communal representation is retained for any section, we do not see any other alternative but to press for adequate representation of our Community in the representative institutions of our country. We are therefore constrained to ask for the recognition of our Community as a unit whose interests must be borne in mind when this question is discussed and a solution is arrived at.

There is a section of our Community, including a few leaders of prominence, who hold that in no case should we ask for a separate representation through separate electorates. But to the best of our knowledge the majority of the Indian Christians do not agree with this view. They will welcome reservation of seats in general electorates if this system is adopted for all communities, but, if this method is not found possible of general introduction, they are constrained to ask for separate electorates and that only in the last resort, and in preference to nomination.

In case there is to be a continuance of the system of communal representation, the Indian Christians as a whole consider it more advisable to ask for the same method to be applied to them. In a system of *real general electorates*, an Indian Christian, if he has identified himself with the interests of the nation, may successfully contest a seat, obtaining votes from all sections of the communities. In the case of the present type of pseudo-general electorates, which comprise one very large and one or two smaller communities such a happening, if not impossible, is very unlikely. In reality, the term "general electorates" as applied to present constituencies is a misnomer. For instance, in the Punjab where Sikhs and Mahomedans are in separate compartments, the Indian Christian can hardly hope to capture a general seat, as Hindus must always think of themselves and their interests as opposed to Muslim and Sikh interests. They cannot afford to let a seat go to a minor community. The same is true of most of the other provinces.

In the case of *genuine general electorates*, even at a time of communal clash, an Indian Christian may capture a seat, as many Muslims might prefer to vote for him in preference to a Hindu, and *vice versa*.

Some members of our Community desire that, if the present system is not to be disturbed, our case might be met by reservation of seats in what are at present termed general constituencies. We must however, state that there is a sharp and wide divergence of opinion on this point. A considerable number among us feel that reservation of seats can only be effective in general constituencies comprising of all communities.

At this stage we cannot but protest at the artificial division of the country into Muslims and non-Muslims. We are as much non-Muslims as non-Hindus. We have our connection with both communities, and our membership consists of converts from both. We are Indians and not non-Muslims or non-Hindus. The present division therefore is unsound and unfair to us. We can, however, understand a division whereby in each province the majority community forms one group of constituencies and all minorities are grouped together in a second set of constituencies with a view to securing various interests within. In this case the division will not be between

VI, page 40, The total for whole India remains unaffected.

3. We are keenly interested in Christian institutions being maintained for the good of the country by Christian Missions, and are intimately and constitutionally connected in their running. Their interests are by no means small; their value and importance to the problem of national reconstruction and social and moral advancement have been fully recognized by leaders of Indian thought of all ranks. To give an instance, according to the Directory of Christian Missions, the Protestant Missions alone are maintaining:

- 6. Homes for women.
- 89. Agricultural Settlements.
- 51. Colleges.
- 247. High Schools.
- 170. Industrial Schools.
- 475. Middle Schools.
- 76. Teachers' Training Institutions.
- 204. Dispensaries.
- 213. Hospitals.
- 60. Lepros Institutions.
- 8. Tuberculous Sanatoria.
- 11. Homes for the Blind.

To this must be added a very large number of  
institutions of the Roman Catholic Church. We  
have not included them because we have been  
unable to obtain full figures.

Through the agency of these Institutions our community has rendered and is rendering useful public services to our country. The service and care of the depressed classes in various directions has become the particular concern of Christian Institutions. The intimate contact that we have thus established with these classes fits us in many ways to interpret their needs and problems in public life.

4. The right of separate representation, as pointed out above, has already been conceded to us, though inadequately and indirectly.

5. The Community is playing an important part in the national economy and public weal proportionally much more than is indicated by its numerical strength. In more than one province Indian Christian women are holding a very large percentage of appointments in the Educational and Medical Departments.

A well-known Hindu firm of publishers has the following comment to make in advertising a book of Indian Christian Biographies:

"Once a negligible community, both socially and numerically Indian Christians have now attained a position of considerable influence and conscious strength. And the pick of them have shed lustre on the country in their several avocations. For, poets like Michael Madhusudan and Narayan Vaman Tilak, educationalists like Krishna Mohan Banerji and Principal Rudra, scholars like Professor Ramchandra and Mr. Swamikannu Pillai, Ministers of the Church like Lal Behary Dey, Nehemiah Goreh, Sattianadhan and the Bishop of Dornakai, publicists like Kali Charan Banerji, mystics like Sadhu Sunder Singh, social servants like Pandita Ramabai, and public workers like Dr. S. K. Datta and Mr. K. T. Paul—to mention only a few names from different parts of India—are ornaments to any community, nay, to any country, to which they may belong. Indeed, the days are long gone by when to be a Christian was to be outlandish in spirit and in mode of life. Indian Christians now happily feel the

VII - *Subcommittee on the Administration of the Federal Reserve System*  
 In the permanent committee

In the parliamentary type of democratic government, it has to be understood that minorities have really to adopt a defensive attitude. They have to sit on the side of the majority. So long as the majority are able to elect their place from a power to force their presence on opponents from time to time, they present an opportunity to the opposition to be on the majority at some future time. But, if opposition can truly be called democratic relations, it can only be permanent and based on the principle of co-operation. It is able to claim that it is prepared to demand that Government has been evolved in certain ways. It may, however, be decided that India is to pass through a transitional stage when representation by communities is deemed necessary.

In a system of permanent representation, however, it is not possible to have a permanent majority.

In a system of representation which is the outcome of a way of thinking, the nature of a permanent constitution may be expected to be the mirror of the nation's character, as effective by giving them larger representation than they are entitled to on the basis of their numerical strength. The smaller the number, the larger ought to be the proportioned representation. This principle is within of our reasonable limits. This principle was recognized by the Congress of Lok Sabha in 1946, known as the Lucknow Pact, formulated under the expert leadership of one of the greatest leaders of political thought in India, the late Gopal Krishna Gokhale. When the new constitution was framed under the Reforms, this principle was also accepted by the framers of the Chelmsford Montagu Report and put into practice in the present constitution.

We believe that, under the present system of Lucknow Pact, the representation of the people of

We believe that, under the circumstances, the Lucknow Compact is on the right lines, if representative communities are to continue.

VIII. Are Indian Christians entitled to Separate Representation?

The chief defect of the Lucknow Pact lies in the fact that it confines itself only to the two major communities, and entirely ignores other minorities whose numbers justify a separate representation in the civic bodies. It has already been recognised that Sikhs are such a minority, and practical recognition has also been given to Indian Christians by allotting to them five elected seats in the Madras Council and one nominated seat each in five other provinces. We beg to submit that the Indian Christian Community is entitled to a separate representation, or, if the system of joint electorates is accepted, to a "reservation" of seats. Some of the reasons in support of this position may be stated as follows:

1. We are the third largest community in the

1. We are the third largest community in India, and we are found in an appreciable number in almost all the major provinces of the country. Our number was 47 lakhs (nearly 5 millions) in the Census of 1921, out of which about 29 lakhs (3 millions) are in the British provinces alone. It may be pointed out that the figures in subsidiary Table 2, page 124 of Census Report, Volume 1, part 1, are a little higher for the British provinces, which are our main concern, than those given in part 2 Table

## MEMORANDUM SUBMITTED BY THE ALL-INDIA CONFERENCE OF INDIAN CHRISTIANS. [Continued.]

country to be their own, quite as much as members of other communities; and in fact some of their leaders have been in the vanguard of our struggle for political emancipation."

6. In the census of 1921, Indian Christians had the highest percentage of literacy as compared with other communities. The proportion of literacy for Christians was 28.5 per mille. In the British provinces it was 35.5 for males and 21.0 for females. This includes Europeans and Anglo-Indians, no doubt, but they form only seven per cent of the total population of Christians. Even if their numbers are excluded, the percentage of literacy in the whole of British India remains considerably high. Another fact that needs to be borne in mind is the high literacy of women.

In this connection it should also be pointed out that a large proportion of those who are annually joining our ranks are illiterates, and come from the so-called Depressed Classes. It is the privilege of the Christian Church to uplift them and to help them to enter into the fullness of human life. But for this factor, our progress in literacy would have been progress, namely much larger.

The intimate contact with the depressed classes gives us a first-hand knowledge of their needs and their disabilities. In many ways an Indian Christian can speak on their behalf, and interpret their innermost feelings.

IX.—*Constitutional Safeguard for Minorities.*

One other matter concerning the protection of the rights of minorities needs to be mentioned. It has been proposed in certain quarters that in the constitution of India definite clauses should be inserted safeguarding to the members of minority communities their exercise of citizenship without any hindrance or obstacle. These safeguards will have the sanction of the British Parliament. In some countries of Europe like Poland, Czechoslovakia, etc., such statutory provisions have been provided. In most cases they have been of very great value, though in one or two instances they may have broken down. We consider that on the whole such a provision will be very welcome, and, so long as the British Parliament has the responsibility for the Government in India, it shall be its duty to see that the provisions are carried out in spirit as well as in law. Dr. Shafat Ahmad Khan of Allahabad has dealt with this question in his book *What are the Rights of the Modern Minority?*

The rights on which we lay emphasis are as follows:

1. Free and unrestricted right to perform religious rites and ceremonies and freedom to follow religious beliefs. Religious liberty is a most important right from our point of view. This also includes the unalienable right of every citizen to propagate his faith unfettered and unhindered, without of course sailing wantonly the sacred beliefs of others, a spirit of genuine enquiry and research or the right study of comparative religion should be freely allowed.

2. Religion should not constitute a disability in the exercise of his vote by a citizen in representative institutions—local, provincial or central. In some Municipalities where communal representation prevails, constituencies are divided into Hindu, Muslim and Sikh, with the result that an Indian Christian is deprived of the right of contesting a seat, or in some cases that of voting. This deprives the Indian Christians of their right of citizenship which is the birthright of every subject of His Majesty.

Whatever the system, every citizen who is qualified to vote should not be debarred from the exercise of his right merely because he is the follower of a particular religion. This is a fundamental basis of all democracies, and we cannot conceive of Responsible Government in India unless this disability is removed.

3. All offices, ranks, and positions in the country should be open to all citizens without discrimination. It should be clearly stated that religion ought in no way to stand in the way of appointments to public services. At this stage a word needs to be said concerning the reservation of posts for a particular community. We believe in the policy of the open door. We hold that merit is the sole criterion by which posts in the public services should be given. It is contended that, for the encouragement of backward classes, it is necessary in the beginning that a certain number of posts may be earmarked for them. We can only subscribe to this doctrine to a very limited extent. Whenever there are applicants, who, after any tests that may have been applied, are of equal or nearly equal merit, preference may be given to those who belong to backward communities.

X.—*Communal Representation in Services.*

But there is an aspect of the matter to which we desire to draw the pointed attention of the Commission. If posts or admissions in Educational Institutions are based on communal considerations, small minorities like ours are likely to suffer most. Numerically small communities by the very nature of things must be under disabilities and handicaps. But they have the consolation that they can partially make up by quality what they lose by the smallness of numbers. They must correspondingly work harder and be prepared to compete on terms of equality with larger numbers. If by their numerical strength they are entitled to one place, they may by their sheer merit obtain ten. So we look with a great deal of misgiving on any system that apportions seats in public services on numerical strength. Such a system is highly unfair and detrimental to small minorities. At any rate it should be clearly laid down that, even if seats are earmarked for a comparatively large minority, it shall be open for smaller minorities to claim as many seats as they can by merit alone. For instance, if there are forty per cent. positions reserved for, say, community B, and if an Indian Christian is more qualified than the fortieth person of that community who has been appointed under that fixed ratio to a post, he must give place to an Indian Christian or to a member of another small minority who on merit is adjudged better. This is a real safeguard, and we cannot but strongly press for it.

XI.—*System of Nomination should be abandoned in any case.*

With the exception of Madras, in all other provinces the representation of our Community in Provincial Councils is by nomination. There is a unanimous agreement on the part of Indian Christians that this method of representation is extremely unsatisfactory and should be done away with. The reasons for this conclusion are obvious. In the first instance, the very fact of nomination is a considerable handicap to our representatives in the Council. On one hand, there is a pressure on them from the side of the Government Whip; on the other hand, if they conscientiously vote with the Government, truly representing the feelings of the Community, their vote is discounted in the public eye as being the result of an undue Government influence; so their motives are very often questioned and their influence considerably curtailed. In the second place, like all other human institutions, the Government in nominating persons is prone to keeping its eyes on the number of votes it can command in the Legislatures. It naturally hesitates before nominating a man of absolute independence of judgment. Cases have happened in the past when according to public opinion nominated members who have exhibited any large measure of judgment and independence have not been renominated. Whatever reasons there may have been for this action on the part

## MEMORANDUM SUBMITTED BY THE ALL-INDIA CONFERENCE OF INDIAN CHRISTIANS. [Continued.]

of the Government, it cannot but lend colour to the feeling that a nominated member is more or less under the thumb of the Government. In the eye of the general public, a nominated member is considered more the representative of Government than of the community. We therefore unanimously and strongly urge on behalf of the Indian Christian Community that nominations, so far as the representatives of the Community are concerned, should altogether be abolished. As a matter of fact, we will go further and say that in the new constitution the number of seats available for nomination should be decreased. In case, as we hope, the number of the members constituting Legislative Councils is enlarged, we would suggest that, while the number of elected members is increased, the number of nominated members should remain as at present, with the result that they will form much smaller proportion of the Councils than they do at present.

In this connection, it may also be pointed out that, as far as Indian Christians in certain provinces are mainly concerned, the representation is entirely deprived of any element of being appointed Ministers, whether there may be an opportunity in this direction for an Indian Christian or not. It is a serious disability on theoretical grounds, and on this ground alone nomination should be rejected.

#### XII.—Methods of Representation.

1. We have already stated that we would be happy if the system of communal representation is abolished, because in that case the question of our representation will not arise and we will be prepared to take our chance, if we have any, in the general electorate. At the same time we desire to make it clear unmistakably that, in case representation by religious communities is to be retained, we are fully entitled to a representation in the same way, and, under the circumstances, that is the only way open for any community which is large enough for claiming representation.

2. *Joint Electorates.* Having laid down the principles above enunciated, viz., (a) that the Indian Christian Community would gladly vote for the adoption of general electorates all along the line, embracing all voters, whatever their religious faith, and (b) that it desires that, in case this principle is at present unacceptable to major communities or is not given effect to, in that case during the transitional period Indian Christians are also entitled to a separate representation.

The problem, then arises, should communal representation be through separate electorates or through reservation of seats in joint electorates? Though we hold the view that separate electorates have been the cause of friction and have done harm to the growth of real national life in the country, we are not convinced fully that the system of joint electorates is the right solution of this vexed problem. For, after all, the real problem is not of the system or of the method through which representation is secured but of the mentality that lies behind it. If the citizens of India begin to think nationally and place national interest before sectional and communal interests, the danger will be considerably minimised. If however the mentality remains unaltered, joint electorates may easily be worked in such a way as to promote discord and disharmony. If the other communities or the Government come to the conclusion that joint electorates would tend to lessen friction and bring about a better relationship, we as a Community would welcome this system, and indeed there are arguments in favour of this experiment being tried. It should, however, be pointed out that in actual practice this system of joint electorates will be very difficult to apply to Indian Christians, and some special means will have to be devised other than those of nomination, for ensuring that our voice is not altogether mute in the councils of our country. Before we proceed further, however, we have two suggestions to make for the consideration of the Commission.

1. That a mixed system of joint and separate electorates be tried, viz., that both the Imperial and Provincial Legislatures should consist of a majority of such members who are elected through joint electorates, but there should be also representation of the various communities through separate electorates so that special interests or points of view of the orthodox section of the community are also fully represented. In this way it might be possible to throw more and more seats open to general electorates, and to eliminate separate communal representation by such stages as may be clearly laid down in the very beginning.

2. That in each province a Bicameral System be adopted, and that the popular house consist of the representatives elected through joint electorates only, preferably without any reservation. If possible, some form of voting by proportional representation may be adopted for this house. In addition to this house, there may be a second house where communities may be represented through separate electorates, and also other interests like Commerce, Industry, Labour, etc. Since a Bill will have to be passed by both the Houses the communities will have their safeguards in the second house. The constitution of these houses should come up for consideration at every appointment of a Statutory Commission, and would therefore provide a natural means of progress towards a system of general electorates throughout.

We wish to make it clear however that we are not advocates of a Bicameral System in the provinces on general grounds. Our advocacy of the second house is limited to the use of this system for the safeguarding of communal interests. In case this suggestion is adopted, other vested interests can also be accommodated in the upper house. Apart from this we prefer a single chamber system for the provinces.

#### XIII.—Principle of Representation by Communities.

1. We have deliberately and consciously set our ourselves against making any exorbitant or excessive demand for our Community. We have tried to study the problem as impartially as is possible for us, in the light of the principles on which the constitution is based. The claims we now put forward are to the best of our belief equitable and just. They are based on the principle enunciated above and generally accepted so long as representation by communities is deemed the only practical way, namely, all important minorities should be represented in excess of their numerical strength with due regard to the position and the interests of the majorities.

It cannot be denied that the application of this principle is often very difficult and hazardous. On examining the present ratio of allotment of seats to various communities in various legislatures, it is our considered opinion that the division is just and equitable; all that we urge is that this principle should be extended to our own Community as well. We have examined this question in greater detail later on. We should state, however, that there is no one general principle which can apply to all the provinces. It cannot be contended that, because community A, which forms such and such per cent. of the total population, is given N number of seats in Province B, therefore the community C in Province D bearing the same proportion relative to other communities is entitled to the same number of seats in its own province. The question can only be settled in each province on its own merits. In our opinion this is the only practical way of solving the problem.

2. *Representation on Population basis.*—While the principle enunciated above is in our opinion equitable it may present difficulties in its practical application. It has been contended that the simplest solution is to give every community representation on a purely numerical basis. There is no doubt that, from the point of view of simplicity, this principle has got a great deal in its favour. We understand that the Indian National Congress has agreed to this formula, but it has also laid down that the minorities should

be willing to give mutual concessions to each other in various provinces. As soon as a reservation of this description is applied, this simple formula becomes at once complicated, and, in other words, gives recognition to the principle of excessive representation of minorities indirectly. If the representation by numerical strength is to be recognized as the guiding principle of the future constitution, we as a community will gladly accept it, though we do not consider it sound in the present condition of the country. We would suggest that in this case small minorities may be given a seat by allotment or by reservation, wherever they are in appreciable numbers, with a further provision that, wherever the community is entitled to a one-third seat, the fraction should always be converted into a full seat.

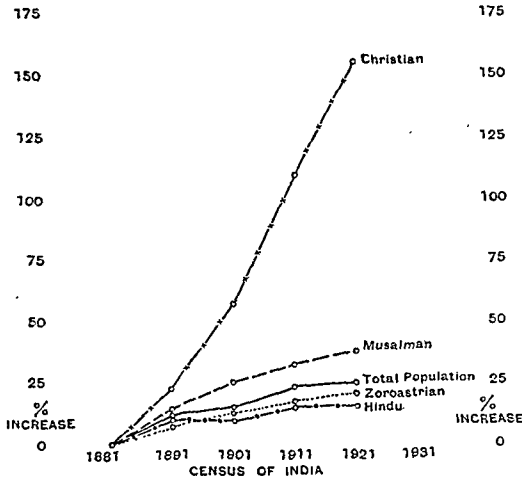
3. *Our growing numbers should be taken into consideration.*—One further factor in regard to our Community needs to be taken into consideration when proportional representation of various communal groups is being worked out. In the case of our Community our numbers have been growing much faster than other communities. This enquiry is being held three years before the next census is due. New figures will not be available till one or two years after 1931. By that time the proportion of seats in different legislatures will have been determined as a result of the Commission, and will have been fixed for ten years. This fact needs to be borne in mind in order that our just claims may not be overlooked. Our progress in the past will appear from the following table. We would once refer to the observation of the Census Commissioner to the effect that the number of Indian Christians in some provinces were considerably underestimated.

We notice that the Buddhist is the only other community which has increased in the same or to a greater degree, but Buddhists are mainly to be found in Burmah, and therefore any problem that may arise on account of them is only confined to that province.

*Proportion per 10,000 of population :*

	1921	1911	1901	1891	1881
Hindus ...	6,589	6,688	6,835	7,014	7,197
Sikhs ...	96	89	68	64	63
Muslims ...	2,407	2,351	2,324	2,240	2,260
Christians ...	123	102	82	68	58
Buddhists ...	465	436	406	321	172

Percentage of Increase  
RELIGIONS of INDIA  
1881 to 1921



XIV.—*Our Representation in the Legislatures.*

We now proceed to examine our representation, as compared with other communities, in the Central and Provincial Legislatures. The percentage of communities is based on the Subsidiary Table I in the *Census Report, India, 1921*, and is further in agreement with the proportions given in the latest publication *India, 1927-28*, by Mr. Coatman. The percentage of the Muslim Community is also incorporated in a table given in a pamphlet entitled *What are the Rights of the Muslim Minority in India*, by Dr. Shafaat Ahmad Khan of Allahabad.

The percentage of various communities in British provinces is as follows :—

Hindus (including Jains and Buddhists)	70.8
Muslims ... ..	24.01
Christians ... ..	over 1.23
Sikhs ... ..	.96
Tribal Religions and others ... ..	3.0

A word of explanation is required as to the use of the term Hindu in place of general constituencies throughout this Memorandum. In most of the provinces the general constituencies are in effect Hindu constituencies so long, at any rate, as they are separate constituencies for Muslims and others. For a member of a minority community, except in very exceptional cases, it is practically impossible to be returned from these constituencies. There have been exceptions that only prove the rule.

1. *Council of State.*—In the Council of State the seats are distributed as follows :

	Table A (Including the special constitu- encies.)	Table B (Excluding the special constitu- encies.)
Hindus ...	50 per cent.	59 per cent.
Muslims ...	32 "	37.5 "
Sikhs ...	3 "	3.5 "
Special ...	15 "	

*No Provision for Indian Christians.*

There is no statutory provision for the nomination of an Indian Christian. In the last two Councils of State, however, an Indian Christian has specifically been nominated.

*We are entitled to One Seat.*

By virtue of our numbers we, like the Sikhs, are entitled to at least one elected seat. The exact method of election for one seat for the whole of India is not easy to determine, but we have further on suggested one or two ways of indirect election, and the Commission through their wider experience may be able to devise some other suitable method.

*Suggestion for an Enlarged Council.*

We regard the present constitution of the Council of State to be unsatisfactory. The proportion of nominated and official members to the elected element is too high. We suggest a Council of State of at least 100 elected members roughly divided as follows :—

Hindus ...	50
Muslims ...	32
Sikhs ...	3
Christians ...	3 (One to be reserved for South India and two for the rest of India.)
Special ...	12

The Franchise should be extended to—

- All members of the Municipalities and District Boards.
- All M.A.'s or holders of equivalent degree, and B.A.'s of not less than ten years' standing.
- The Land Revenue qualification should be reduced to Rs. 500 per annum and Income Tax to Rs. 10,000 per annum.



# THE INDIAN STATE POLYGRAPH: A REVIEW OF THE PROGRESS OF INDIAN CHRISTIANITY, [Continued]

The following table shows the number of Indian Christians in the different provinces of India, as given by the Census of 1901.

TABLE A  
Number of Indian Christians in the different provinces of India, as given by the Census of 1901.

Province	Number of Indian Christians
Bombay	1,000,000
Madras	1,000,000
Central Provinces	1,000,000

The following table shows the number of Indian Christians in the different provinces of India, as given by the Census of 1901.

TABLE B  
Number of Indian Christians in the different provinces of India, as given by the Census of 1901.

Province	Number of Indian Christians
Bombay	1,000,000
Madras	1,000,000
Central Provinces	1,000,000

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Bombay	1,000,000
Madras	1,000,000
Central Provinces	1,000,000
Other Provinces	1,000,000
Total	4,000,000

If the present results are maintained, the Indian Christians in the next Census will be entitled to three seats. This will be in keeping with the principle which we have emphasized. It may be pointed out that, with less than one per cent. of population, the Indians have two seats in the Assembly, while, with over one per cent., Indian Christians have no elected seats. The number of Indian Christians is likely to be considerably larger when the Census of the next Census will be available. In support of this contention we have not only the past rate of progress but also the Mission and Church statistics which are tabulated from time to time.

## The Method of Election.

The problem, however, to be considered is, how are our representatives to be returned? We have already stated that the system of nominations, as far as the representation of our Community is considered, should be entirely eliminated. We cannot too strongly emphasize this point. There is a unanimous and strong opinion of the Community behind this feeling.

In view of the importance of this question, the following are the suggestions of the Indian Christians in the different provinces of India, as given by the Census of 1901.

1. Bombay, Madras, and Central Provinces.
2. Bombay, Madras, and Central Provinces.
3. Bombay, Madras, and Central Provinces.
4. Bombay, Madras, and Central Provinces.

The following table shows the number of Indian Christians in the different provinces of India, as given by the Census of 1901.

## Method of Election.

The following table shows the number of Indian Christians in the different provinces of India, as given by the Census of 1901.

1. Bombay, Madras, and Central Provinces.
2. Bombay, Madras, and Central Provinces.
3. Bombay, Madras, and Central Provinces.
4. Bombay, Madras, and Central Provinces.
5. Bombay, Madras, and Central Provinces.
6. Bombay, Madras, and Central Provinces.

The following table shows the number of Indian Christians in the different provinces of India, as given by the Census of 1901.

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## MEMORANDUM SUBMITTED BY THE ALL-INDIA CONFERENCE OF INDIAN CHRISTIANS. [Continued.]

## 3. Provincial Legislatures.

## (A) MADRAS PRESIDENCY.

(a) The proportion of population is as follows :—

Hindus	...	...	88.7 per cent.
Muslims	...	...	6.7 "
Christians	...	...	3.2 "
Tribal Religions	...	...	1.4 "

(b) The proportion of seats is as follows :—

	Table A. (Including the special seats.)	Table B. (Excluding the special seats.)
Hindus	65.5 per cent.	78 per cent.
Muslims	13.5 "	16 "
Christians	5.5 "	6 "
Special con- stituencies	15.5 "	

(c) We are already entitled, on the principles stated above, to at least seven seats in the Madras Presidency on the present basis. We would however suggest that the Council should be enlarged so as to have about 200 elected members, which we suggest should be distributed on an equitable basis as follows :—

Hindus	...	...	125 seats.
Muslims	...	...	30 "
Christians	...	...	15 "
Special constituencies	...	...	30 "

## (B) THE PUNJAB.

(a) The population of the Punjab is as follows :—

Hindus	...	...	31 per cent.
Muslims	...	...	55.3 "
Sikhs	...	...	11.1 "
Christians	...	...	1.6 "
Others less than	...	...	1 "

(b) The seats at present are distributed as follows :—

	Table A. (Including the special seats.)	Table B. (Excluding the special seats.)
Hindus	28 per cent.	31 per cent.
Sikhs	17 "	19 "
Muslims	45 "	50 "
Special con- stituencies	10 "	

(c) The Punjab problem is in many ways a difficult one, particularly as the problem is affected by the presence of a strong minority like the Sikhs. We understand that the Muslims claim that they should have a majority of seats in the Punjab Council. In our opinion, however, the decision of the Lucknow Pact was a fair one, namely, that they should have 50 per cent. of the elected seats allotted to the various communities. The problem is, however, that of the Sikhs, who are 11 per cent. of the population and consider themselves entitled to 25 to 30 per cent. of the seats. Such an arrangement is practically impossible, unless the interests of other communities are unfairly dealt with.

(d) Indian Christians on the present basis are entitled to three seats. We feel, however, that it may complicate matters if our representation is to be taken into consideration when calculating the percentage. We therefore suggest that three seats be reserved for the Indian Christian Community outside the seats allotted to communities, and be included along with the special constituencies.

(e) Our suggestion is that, out of an increased total of about 175 elected seats, the proportion of various interests be somewhat as follows :—

Hindus	...	...	48
Sikhs	...	...	27
Muslims	...	...	75
Christians	...	...	7
Other Special Constituencies	...	...	18

## (C) UNITED PROVINCES.

(a) The population is divided as follows :—

Hindus	...	...	84.8 per cent.
Muslims	...	...	14.2 "
Christians	...	...	.5 "
Others	...	...	.5 "

(b) The seats are divided as follows :—

	Table A. (Including the special seats.)	Table B. (Excluding the special seats.)
Hindus	60 per cent.	67 per cent.
Muslims	20 "	33 "
Special Con- stituencies	11 "	

(c) In considering the claims of the Indian Christians in the United Provinces, and in putting forward our claim, attention is drawn to the following remarks made by the Census Commissioner in the *Census of India, 1921, Volume I, Part I, page 116, para. 93* :—

"On the other hand, in the United Provinces and the Punjab, apparently a deliberate attempt was made by members of the Arya Samaj to induce Christian converts from Hinduism to return to their former religion. Enquiry in various villages in the former province showed that the census record has been falsified in this respect in a considerable number of cases. Mr. Edye believes that this was done throughout the province, and that the increase, which according to the figures was from 179,694 to 203,179 or 13 per cent. was really considerably greater, and that the actual number of Christians in the province may be about 2,50,000."

(d) We would suggest an elected Council of about 200 seats, which may be distributed somewhat as follows :—

Hindus	...	...	124
Muslims	...	...	52
Christians	...	...	4
Special Constituencies	...	...	20

(e) If the present strength of the Council is retained, we ask for two seats.

## (D) BENGAL.

(a) The population is divided as :—

Hindus	...	...	43.7 per cent.
Muslims	...	...	54 "
Christians	...	...	.3 "
Others	...	...	2 "

(b) The seats are as follows :—

	Table A. (Including the special seats.)	Table B. (Excluding the special seats.)
Hindus	40 per cent.	52 per cent.
Muslims	34 "	48 "
Special Con- stituencies	26 "	

(c) We would submit that Indian Christians are entitled to two seats in this Council as their number is over one lakh. 22,000 Anglo-Indians have been given two seats in the Council. We believe our interests demand no less. We are five times as large as Anglo-Indians.

(d) We advocate an elected Council of about 200 with five Indian Christian seats as follows :—

Hindus	...	...	78
Muslims	...	...	78
Christians	...	...	5
Special	...	...	39

## MEMORANDUM SUBMITTED BY THE ALL-INDIA CONFERENCE OF INDIAN CHRISTIANS. [Continued.]

## (E) BOMBAY.

(a) The distribution of the population is as follows:

Hindus	...	...	77.7 per cent.
Muslims	...	...	10.7 "
Christians	...	...	1.4 "
Others	...	...	1.2 "

The proportion of Indian Christians in the population would be much larger if Sind is converted into a separate province, and the question will then become a different one.

If Sind is excluded, the proportion is: Hindus 89 per cent., Muslims 8 per cent., Christians 1.5 per cent., others 1.5 per cent. Muhammadans have got 11 seats for Bombay.

We believe that the Indian Christian Community is at least entitled to two seats in the Bombay Presidency. We again suggest that the Council should be enlarged and should consist of at least 200 elected members of whom at least five should be Indian Christians. We, however, refrain from giving any other propositions owing to the complications arising out of Sind. We ourselves are in favour of the reorganization of the provinces on a linguistic basis, and, therefore, in our judgment, Sind should be made a separate province. At this stage it may also be stated that we are in agreement with the proposal that the reforms may be introduced in the North Western Frontier Province, due regard being had to the defence of India.

## (F) BIHAR AND ORISSA.

(a) The population is as follows:

Hindus	...	...	82.8 per cent.
Muslims	...	...	10.85 "
Christians	...	...	.75 "
Tribal Religions	...	...	5.6 "

It is noteworthy that there are about three lakhs of Christians, according to the subsidiary Table 2, page 124, *Census of India*, Volume 1, part 1, Report. It may be pointed out that in Chota Nagpur alone there are 24 lakhs of Christians who form a much larger proportion in that sub province than the percentage in the province as a whole. It should be noted that there is considerable difference between the figures given in subsidiary Table 1, page 124, *Census of India*, Volume 1, part 1, and the population by religion, Table 11 on page 40 of Volume 1, part 2. In the case of Bihar and Orissa the discrepancy is very marked indeed, the figures being 257,129 and 303,358. The former table gives for Chota Nagpur 223,578. The figures are probably larger. However, taking this figure, the population in Chota Nagpur works out as follows:—

Hindus	...	...	72 per cent.
Muslims	...	...	6 "
Christians	...	...	4.5 "
Tribal Religions	...	...	17.5 "

(b) The seats in the Council are as follows:—

	Table A. (Including the special seats.)	Table B. (Excluding the special seats.)
Hindus	63.5 per cent.	73 per cent.
Muslims	23.5 "	27 "
Special constituencies	13 "	

(c) Two seats by election fall to the legitimate share of Indian Christians in this province.

(d) We would, however, suggest a Council of about 200 elected members in the following proportion:—

Hindus	...	...	125
Muslims	...	...	45
Indian Christians	...	...	5
Special constituencies	...	...	25

## (G) CENTRAL PROVINCES.

(a) The population ratio is as follows:—

Hindus	...	...	81 per cent.
Muslims	...	...	4 "
Indian Christians	...	...	.3 "
Tribal Religions	...	...	11.7 "

The number of Indian Christians is about 75,000, and is probably larger at the present time. Four per cent. Muslims are given 12 per cent. of elected seats allotted to communities. The Indian Christians should be given at least one elected seat. At present there is not even one seat—not even by nomination.

(b) We would suggest a Council with 100 elected members somewhat distributed as follows:—

Hindus	...	...	73
Muslims	...	...	12
Christians	...	...	2
Special constituencies	...	...	13

## XV.—Method of Election for the Provincial Legislatures.

Now the question to be considered next is the method by which our representatives in the Provinces may be elected. In the case of separate electorates there is no difficulty. If separate electorates are introduced it might be more advantageous to have as few constituencies as possible but to have plural constituencies with single transferable system of proportional representation. In some of the provinces like the Punjab, the United Provinces, Bihar, Bengal, Bombay and the Central Provinces, it may even be possible to have one constituency with the plural system of voting for the whole of the province.

But the problem is, what should be done in case of joint electorates? Reservation of a seat in general constituencies is evidently out of the question, except perhaps in a very few cases. The real point in joint electorates is that the representative should be elected with the voice and support of others than that of his own co-religionists. This can be accomplished through specially devised constituencies. We will suggest that in these constituencies the voters should be all Indian Christians who are qualified electors for the provincial Legislatures, and such members of other communities who are voters to the Council of State. The Indian Christians will continue to have the right to vote in other constituencies but will not be eligible to stand as candidates.

## XVI.—Franchise.

At this stage a few words regarding franchise will not be out of place. The growth of democratic institutions on parliamentary lines is very largely dependent on the proper exercise of vote by electorates, and it is therefore with considerable apprehension that we have been observing certain tendencies which were manifested in the last elections. The amount of money that was spent in the last election is said to have been an enormous sum, and we have reason to believe that these reports are not altogether without foundation. We strongly urge that all forms of corruption should be carefully guarded against, and every effort made to check this tendency. The first and the foremost step necessary for responsible Government is the creation of an intelligent electorate, and this cannot be accomplished unless education becomes universal. While considerable progress has been made in the spread of primary education, we urge that this progress is not commensurate with the needs of the country. We strongly urge that the Commission should make a special point of laying emphasis on compulsory education for six years for every boy as well as for every girl. This, however, is a question which we understand would come up separately before the Commission, and we hope to lay our views before the Commission, in a subsequent Memorandum. At this stage we are only concerned with the bearing of this subject on the question of franchise. For this

26 November, 1928.]

DEPUTATION OF INDIAN CHRISTIANS.

reason, we are not able to recommend the widening of the franchise on property basis at the present time. It will be more effective if the percentage of the population which has got the franchise at present uses its vote more intelligently. We desire that some sort of literary qualification be also added, for instance, all Vernacular or Anglo-Vernacular Middle passed persons be included in the franchise for provincial councils.

#### XVII.—Conclusion.

In conclusion, we beg to submit that we have, in the course of the present memorandum, endeavoured, to the best of our power, to present our case in a moderate, equitable, and practical manner. We ask for no special concessions or favours, either on the

side of representation on the Legislatures, or in the Public Services; we only ask for the application of such principles to our Community as are found best in the interest of the nation in the present condition of the country and its future progress.

We desire to subordinate our communal interests to the wider considerations of national advancement.

We do not wish to separate ourselves or to hold aloof from the rest of our countrymen. We share with them all legitimate and constructive schemes for the attainment of self-government within the Empire.

In obedience to the teachings of the religion that we profess, our highest ambition should be to work for the good of our country and to render service to our nation without distinction of caste or creed.

## DELHI.

Dated 26th November, 1928.

### AFTERNOON.

#### PRESENT :

ALL THE MEMBERS OF THE COMMISSION AND OF THE CENTRAL COMMITTEE (EXCEPT SARDAR SHIVDEV SINGH UDEROI).

## Deputation of INDIAN CHRISTIANS.

The Deputation consisted of :

Mr. B. L. Rallia Ram, Lahore.  
Mr. S. C. Mukerji, M.L.C., Calcutta.  
Professor Ahmad Shah, M.L.C., United Provinces.

Rev. J. C. Chatterji, M.L.A.  
Mr. K. L. Rallia Ram, Lahore.

1. *Chairman* : We are very glad to receive this deputation. I think Mr. B. L. Rallia Ram is going to act as the principal spokesman, are you, sir?—(Mr. B. L. Rallia Ram) : Yes.

2. I may just state for the information of my colleagues who else are here. Mr. B. L. Rallia Ram is the president of the All-India Indian Christian Conference and comes from Lahore?—Yes.

3. There is Mr. S. C. Mukerji, who is a member of the Bengal Legislative Council, a nominated member, I suppose?—(Mr. S. C. Mukerji) : Yes.

4. Rev J. C. Chatterji, whom I have the pleasure of knowing, is a member of the Legislative Assembly. Mr. Chatterji, you are also nominated?—(Rev. J. C. Chatterji) : Yes.

5. Prof. Ahmad Shah is a member of the Legislative Council of the United Provinces?—Prof. Ahmad Shah : Yes.

6. That, again, is nominated?—Yes.

7. Mr. K. L. Rallia Ram is the president, are you not, of the Punjab Indian Christian Conference?—Mr. K. L. Rallia Ram : Yes. I am also an ex-member of the Punjab Legislative Council.

8. There does not happen to be a representative from Madras. In Madras, I think the Indian Christian members of the council are elected?—Rev. J. C. Chatterji : Yes, that is the only province where they are elected.

9. You might just tell me this, gentlemen. We have not got here a representative directly from Madras; but I think I can ask you this question.

As far as this deputation is concerned, supposing that representation from the Indian Christian community, as such, is adopted, have you any desire to see the representation further sub-divided, for instance, as between Roman Catholic Christians and Protestant Christians?—No, sir. Our Conference admits and invites Christians of all denominations to become members of it and we have had Roman Catholics as members of this Association and nobody has suggested this.

31. Do I sum up this document correctly on general facts when I say this, that this deputation, speaking on behalf of the Indian Christian community, expresses itself as quite willing to see communal electorates abolished everywhere, and if they were it would not ask for a separate electorate for Indian Christians, though I gather that you still ask for seats to be reserved?—Mr. B. L. Rallia Ram : No, sir. Our position is, in the first place, we would ~~would~~ want that communal elections be entirely abolished without any reservation of seats. Our second submission is that in case that is not done, and if seats are to be reserved, then we would want some indirect method of representation.

32. You see one possible system is a system which would preserve in some cases communal electorates and another possible system would be to get rid of communal electorates altogether, but it would be possible for seats to be reserved for candidates particular communities, so that ~~that~~ if they do come to the top of the poll, ~~they~~ there would be a seat for such candidates. ~~That, I want~~

26 November, 1928.]

DEPUTATION OF INDIAN CHRISTIANS.

[Continued.]

know first of all was, if there was an abolition of communal electorates, do the Indian Christians ask for seats to be reserved for them in general electorates, or are they prepared to take their chance of being elected?—We are prepared to take our chance. We feel that it is the best thing for the country. We would rather have abolition of communal electorates in any form. We advocate that as our first choice.

33. At page 319 of your Memorandum you say :—“There is a section of our community, including a few leaders of prominence, who hold that in no case should we ask for a separate representation through separate electorates. But to the best of our knowledge the majority of the Indian Christians do not agree with this view.” There you say that the majority of Indian Christians “will welcome reservation of seats in general electorates if this system is adopted for all communities, but if this method is not found possible of general introduction, they are constrained to ask for separate electorates.” When I read that I thought it meant that you would be willing to see separate electorates dropped if everybody else dropped them; but then, if they were dropped, and you had general electorates, you would still think it right to reserve seats for Indian Christians?—Our position is that if seats are to be reserved for communities, then we would ask for reservation, and if no seats are to be reserved, then we do not put forward any claim. We would rather see the entire communal elections altogether abolished. But we want to be treated just as the other communities are. If there is a reservation, then we would have our seats reserved. If there are separate electorates, then there is no other alternative for us but to ask for them, but if both are abolished, we will be happy. *Rev. J. C. Chatterji* : We say that with full realisation of the fact that if we had purely general electorates, none of our community will be elected, or will stand practically any chance of being elected, but the majority of our community are prepared to accept that gladly, because we feel that it is in the interest of the community as a whole. That is the ideal and the right thing.

34. That is to say, if I have followed you correctly, the Indian Christian community as represented by you generally takes the view that its higher duty is to seek to represent and share the fate of all who live in this country and not merely to seek to represent their own exclusive body?—*Mr. B. L. Rallia Ram* : That is exactly our point.

35. Then another point which you make is, you point out at page 198 that as long as you are specifically represented by nomination, those members of your community who have been qualified for a vote are classed as belonging to what is called the non-Mahomedan general constituency?—Yes.

36. If I follow you rightly, you say you rather regret that because while it is quite true that you are non-Mahomedan, it is equally true that you are non-Hindu?—Quite so, sir.

37. I believe a good many of those who become Indian Christians are members of the depressed classes. Is that not so?—Yes, sir.

38. When that happens and a member of the depressed class declares himself an Indian Christian, I want you to tell me, does he cease so far as his classification is concerned to be a member of the depressed class?—*Rev. J. C. Chatterji* : That is the point made out by the census commissioner. He classes them all as Indian Christians, and we do not admit any caste distinction within our community. But the tendency is that other people still class them, at any rate, in the first generation, as members of the depressed class, and sometimes enumerators, too, persist in putting them down as members of the depressed class rather than Indian Christians. *Mr. B. L. Rallia Ram* : But very soon they get out of that.

39. What occurs to me is that as long as a representative of the depressed class is nominated, it does not very much matter whether a particular

citizen is classed for electoral purposes as depressed class or as Indian Christian, because he does not cast a vote. But the moment you say that these communities are to elect their members, then it is important to be sure that the list of electors is correctly made up, and if it is true that people who are still counted as members of the depressed class are also Indian Christians, one might think that sometimes they got on both lists?—*Mr. B. L. Rallia Ram* : No, sir. Directly a man gets a franchise, he is classed as an Indian Christian.

*Rao Bahadur Rajah* : In Madras, sir, they have got separate electorates for Indian Christians, and the Indian Christians of depressed class origin exercise their franchise in the Indian Christian electorate.

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45. *Mr. Cadogan* : I only want to ask a question on the representative character of your deputation. You say that you invited all sects of Christians to participate in your conference. Did you follow it up? Had you a satisfactory response? Can you say that you represent all Christians fully?—We cannot say that we represent the Roman Catholics fully, because so far the Roman Catholics have only come in as individuals. Only a few of them have come in, but the bulk of the Roman Catholics have kept aloof from the All-India Conference of Indian Christians, and they have now a separate organisation of their own. The real trouble began with the religious devotions. They objected to have religious devotions at the beginning of the Conference, and there was some feeling over it, and then I understand that after some careful consideration they came to the conclusion that as a body, they would abstain. But we have invited them year after year and some individuals have come and joined us, but very few.

46. But for political purposes you are working together. You can say that; can you?—As far as our membership is concerned the number of Roman Catholics is very limited. *Rev. J. C. Chatterji* : Politically, our interests are more less or identical.

47. That is what I am asking?—*Mr. K. L. Rallia Ram* : As for instance, if we take a deputation to the Viceroy or the Governor, they join us. *Mr. B. L. Rallia Ram* : We have had a few Roman Catholic Christians present in our annual Conference, but no Roman Catholic is a signatory to this document.

48. *Major Attlee* : I am not quite clear as to your organisation. Is your organisation an organisation of individuals or of churches?—Of individuals. In each province we have an Indian Christian Association and the membership of that Association is open to every Indian Christian, and then we have an annual gathering to which these provincial organisations elect delegates. This All-India Conference then elects a council which works throughout the year.

49. I see you work up from the individual to the All-India organisation?—Yes.

50. Can you tell me at all what your membership would be, how far you have your organisations in the provinces and so on? What sort of proportion of Christians belong to your Association?—In the Punjab, for instance, there will be over 500 members. I cannot say of other provinces.

51. Say Madras?—*Mr. S. C. Mukerji* : I know in Bengal the number is rather small. It is between 100 and 150 and is confined more or less to Calcutta.

52. What about Madras?—*Mr. B. L. Rallia Ram* : In Madras there is a Madras Association. There is also an Association in Tinnevely. So, there is not one All-Madras provincial Association. The membership of the Association in Madras will be fairly large. I could not tell you the exact figures.

53. Taking your membership in the Punjab, for instance, you have about 500. Who are these 500 members who actually belong to the Association? Do they belong in any representative capacity, or are they leading individuals in the community, or what?—From every city there will be a few members.

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54. Chosen?—Not chosen. They have to fill in a form and become members paying an annual subscription.

55. What I want to get at is really this, as to how far these members of your Association are representatives of the rank and file of the community? For instance, we have this very able document here. That has been discussed no doubt by your Association, but has that question been brought to the knowledge of the other members of the community, all those members who have taken out forms and become members of your Association?—*Prof. Ahmad Shah*: To give you an example from the United Provinces, they held their annual conference last year at Gorakhpur, and the members living in the rural areas came to the conference and participated in all deliberations and exercised their votes. From this instance I can indicate that the members living in the districts and the cities are also in touch with the movement.

56. That is an important point. I wanted to know how much you use the method of election, as to how far your members were capable of using the vote. In your community, for instance, you have a large number of members of the depressed classes. Is there anything like representative Church councils and so on, in which they use their vote?—*Mr. B. L. Rallia Ram*: Yes, in that way we are very fortunate, because in most of our churches the members elect the Church council, and then we have also what we call district church councils. These church councils elect representatives to the district church council and sometimes to the provincial and All-India organisations. So we are used to the method of voting of members from the Church, from a village upwards to the whole country.

57. You claim then that as far as your community goes they have had a considerable practical experience of voting?—Yes.

58. *Chairman*: Are you speaking of Anglicans or of all denominations?—Of all denominations. I am an Anglican. There are Presbyterians also here.

59. Is there a church council which includes different denominations?—You mean all of them together? We have what we call provincial Christian councils. They are made up of the representatives of these churches—only of the Protestants. And then we have also got a National Christian Council composed of the representatives of the provincial Christian councils.

60. *Major Atlee*: Do you find that your members are able, even the least educated members, are able to exercise their franchise well? Do you think that they elect the best people?—Yes, sir. *Rev. J. C. Chatterji*: I can give you an instance of that in our city. We have got an Anglican congregation of 2,000 people. The electors there range from the most illiterate people up to the members of the Imperial services. That is one Anglican church. There are so many Anglican churches belonging to Europeans, but that one church has obtained self-government to an extent that the Bishop of the diocese permits them to nominate their Vicar by means of election by the general body. They submit two or three names to the Bishop for him to appoint the Vicar from amongst them, and the Bishop accepts that nomination. That is an instance, sir, to show you that our people have become well versed in the matter of exercising votes on matters which are of very vital importance to them.

61. There is one other point, one last question. You have not found that the exercise of the vote in your various organisations has led in any way to schisms in the churches?—*Mr. B. L. Rallia Ram*: In some churches they begin by party feeling, but generally we have been able to overcome it. But there are instances where there is bad feeling.—*Rev. J. C. Chatterji*: We have noticed that they improve from year to year. On one occasion we may have trouble, but on the second occasion things work out very much better. They get educated in the method of self-government.

62. It has never led to secession?—*Mr. B. L. Rallia Ram*: We have no secessions.—*Mr. S. C. Mukerji*: We have local disagreements.—*Mr. B. L. Rallia Ram*: In Tinnevely district one small section seceded from the Church, but that was only for the time being.

63. *Lord Burnham*: I understood you to say that there was only a small portion of the Roman Catholic community with which you come into contact, or at any rate in your Association?—*Mr. S. C. Mukerji*: The matter ought to be made perfectly clear that the Roman Catholics as a community have not joined us. That ought to be made perfectly clear. An individual here and an individual there has joined us, but as a community they have deliberately abstained themselves, because there is the priesthood there and they will not allow individual members to exercise their discretion in the matter.

64. As we all know, they are the oldest Christian community?—Perfectly so.

65. What I was going to ask you was this, whether you said, if I heard you say, that caste distinctions were not perpetuated beyond the second generation. Does that apply to the Roman Catholics as well as to the various Protestant denominations?—*Mr. B. L. Rallia Ram*: Not in the north. There is no caste in the Church at all in the north. I am afraid in the south there is partly in the Roman Catholic church, from what we know of it, and also to some extent even in the Protestant churches. In some places there is a very strong feeling against it.

66. Then the evidence you have given applies really to Christian denominations other than Roman Catholics?—Yes.

67. *Colonel Lane Fox*: The Roman Catholics will still be registered as Indian Christians for the purpose of voting?—*Mr. S. C. Mukerji*: Yes, they register themselves as Indian Christians, but they will not combine with us.

68. But they are registered as Indian Christians virtually?—There is no doubt about that.

69. *Lord Burnham*: Is that so in spite of the perpetuation of caste distinctions?—*Rev. J. C. Chatterji*: That is on a very small scale, sir.

70. I am trying to get at the facts?—That is only in the south, and is confined within certain limits. I do not think the majority there recognise caste distinctions.—*Mr. S. C. Mukerji*: There is no caste system in the Roman Catholic community throughout the north.—*Mr. K. L. Rallia Ram*: This question is only acute in the south. In the north the Roman Catholic community is a minority and they always join us when they think they will get some advantages; for instance, when we are trying to get land, or things of that sort they join us, but when other important questions come up they say, "We must ask our Padre Sahib."

71. On page 326 of the Memorandum you say: "The amount of money that was spent at the last election is said to have been an enormous sum, and we have reason to believe that these reports are not altogether without foundation. We strongly urge that all forms of corruption should be carefully guarded against and every effort made to check this tendency." Of course, we all sympathise with the sentiments, but on what is this statement founded?—*Rev. J. C. Chatterji*: It is a matter of common knowledge. Everybody knows that. There is no secret about it.—*Mr. K. L. Rallia Ram*: We have heard statements from their friends and from those who work for them. For instance, one man told me that a man who got elected spent about Rs. 80,000. Of course, the figure might have been exaggerated. Another gentleman told me that he had spent about Rs. 36,000. Of another gentleman who was supposed not to spend anything, who was considered very progressive, a very intimate friend of his, who was supposed to be intimately connected with his family, told me that he spent the least of all, and that was Rs. 6,000.

72. This gentleman spent it himself?—The man who spent it himself did not say, but the man who

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was working as an agent for that man and who was connected with that family told me privately that they had to spend about Rs. 6,000. Another gentleman came to me for my vote and I saw he was running a number of motor cars. Naturally I concluded it must cost him something. After the election was over his friends told me that it cost him Rs. 30,000.

73. *Chairman* : I would like to ask you one question about that. When you say there is corruption, what is the money spent on?—*Mr. K. L. Rallia Ram* : It is generally spent, sir, on entertaining the voters and in some cases in buying the votes.

74. In buying them?—*Rev. J. C. Chatterji* : In some form or other.—*Mr. K. L. Rallia Ram* : It is not actually paid.

75. I think Mr. Chatterji's answer is quite clear.

81. *Witness (Mr. B. L. Rallia Ram)* : We wish to say, sir, with all the emphasis we are capable of, that we are not in the least desirous of any separation of interest between Roman Catholics and non-Roman Catholics. We entirely believe that our interests in this matter are identical with them and that we do not want any separate electorates.

82. *Chairman* : I am much obliged to you. I put the question merely because when we were in Madras last February we learnt, privately, of course, that there was at any rate some part of the community there which thought that there might be a question of separating out Roman Catholics from the Protestants. You oppose it?—We entirely oppose it. *Mr. K. L. Rallia Ram* : The figures are based on the census taken in 1921. The other census will be taken in 1931. It is very unfortunate so far as we are concerned, that this Commission has come just at the end of the period. We can safely say that our number will increase and we do hope that in the case of a minority like ourselves the increase makes a tremendous difference. We can say that the increase will be 35 lakhs in British territory. In the Punjab at the time of the last census we were only 315,000, whereas, according to our own calculation, we have gone up now to 4 lakhs.

83. *Chairman* : Can you tell me what the figures were or the percentage indicative of the increase in the ten years 1911-21?—*(Mr. B. L. Rallia Ram)* : I can give you the figures, sir. They are given in the Punjab Indian Christian memorandum. In 1881 we were 3,796; in 1891, 19,547; in 1901, 37,980; in 1911, 163,964 and in 1921, 3,15,031.

84. One gets the percentage by comparing the two figures on page 223. It rises from 102 per 10,000 population to 123?—May I say, sir, that that includes Europeans as well?

85. *Rao Bahadur Rajah* : At present you exercise your franchise in all the provinces except Madras in the non-Muhammadan electorates?—Yes.

86. Even in municipal and district board elections?—I can speak of the Punjab. There are some districts in the Punjab where the big communities have been given separate representation and in those districts the Indian Christians have no vote. *Rev. J. C. Chatterji* : I can speak of Delhi. No man who is not either a Hindu or a Muhammadan can stand for the membership of the Delhi municipality. For instance, I have been a member for many years of this municipality but only as a nominated member representing minorities. I am, however, disqualified for standing as a candidate for the municipality.

87. *Rao Bahadur Rajah* : Have you not got a vote in the Municipal election?—I can vote but I cannot stand. The city is divided into twelve wards and each ward can only return one Hindu and one Muhammadan member. A Muhammadan can vote for a Muhammadan and a Hindu can vote for a Hindu while a Christian or a Sikh may vote for either candidate but cannot stand himself.

88. *Chairman* : That is perhaps the only instance, is it not? Is there a similar rule anywhere else?—

In the Punjab, sir, various communities have been given representation on the municipalities but the Christians there can neither stand for election nor vote. *Mr. B. L. Rallia Ram* : I believe that until the new order under which Indian Christians are classified as non-Muhammadans was issued, the Indian Christians had no vote.

89. *Rao Bahadur Rajah* : I suppose, generally in other municipalities Indian Christians can stand for election. What about Bengal?—*Mr. S. C. Mukerji* : Bengal is an advanced province.

90. Taking the advanced province of Bengal, I should like to know if you ever got any member of the Indian Christian community returned by a non-Muhammadan electorate?—This very year Mr. J. C. Datta for the Calcutta Corporation was elected by a non-Muhammadan constituency.

91. That is the only case in the whole of Bengal?—Yes, otherwise in two cases members were nominated in two successive years.

92. I am talking of election?—I have already replied to that question.

93. Generally speaking, it is very difficult for a member of your community to get elected from a non-Muhammadan electorate?—Yes.

94. And still you are against separate electorate?—That is because of the general interest of the country. We are prepared to sink our individual existence if that will bring out the general building up of national life in this country.

95. That is only an ideal, not practical?—That is what I have said; that is purely ideal and theoretical; we know that that is not going to be realised soon.

96. Am I to understand that the Indian Christians of the Madras presidency who have now separate electorates for them are also one with you in this suggestion?—*Mr. B. L. Rallia Ram* : You will see this Memorandum is signed by the Right Rev. Dr. V. S. Azariah, the Lord Bishop of Dornakal, Dr. A. C. Asirvadhya Nadar, President, Indian Christian Association, Madras, and Mr. J. R. Isaac, member, Bangalore municipality. All these are gentlemen from the south. At the All-India Conference to which the delegates were mostly from South India, this resolution was passed by a large majority. *Mr. S. C. Mukerji* : I understand that a memorandum has been submitted to this Royal Commission by the Madras Christian Association. I have not got a copy with me, but I think that will give you their latest views on the subject.

97. *Rao Bahadur Rajah* : Since you represent the All-India Christians I wanted to ask you that question. You are against the system of nominations?—*(Mr. S. C. Mukerji)* : Yes, because even though we vote most conscientiously we do not get any benefit from it.

98. On page 322 of your Memorandum you say that nominated members are entirely deprived of any chance of being appointed ministers. Supposing the disability against appointing non-official nominated members, who represent special communities, as ministers is removed, will you then agree to nominations?—*Mr. B. L. Rallia Ram* : That is only one disability. That is not the chief objection. The chief objection is this : If Government nominates a man and even though he were to honestly support the Government, people say that he supported the Government because he was a nominated member, but, on the other hand, if he does not support Government he is pulled up by them. So you see his position is difficult both ways.

99. Even with reference to the Legislative Assembly you are against nomination?—Yes.

100. You demand three seats?—Yes.

101. How do you propose to allot the three seats for the whole of India? Do you want to have one general electorate for Indian Christians for the whole of India?—We have suggested two or three methods. If there are three seats one seat will be given to the Madras presidency because there the number of

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Indian Christians is large. The other two seats, we propose, might be given to the other provinces by rotation. Another method we have suggested is that the elected Indian Christian members of various provincial legislatures should elect out of themselves a member to the Assembly; after he is elected his seat will, of course, be declared vacant in the provincial legislature and another one elected instead.

102. Even in the case of the Legislative Assembly, you are against separate electorates?—Yes.

103. How do you propose to assign this one seat to the Madras Province?—In case there is no reservation of seats, the question does not arise.

104. You know that the Madras Province is divided into different units for the Assembly?—My point is that in case communal electorates are abolished and there is no reservation of seats then the question does not arise. The question only arises when there is reservation of seats; then there will be serious difficulty as far as Indian Christians are concerned. We have suggested that some indirect method of election will have to be adopted in that case and that Indian Christian members in the provincial councils will form a panel and elect a member to the Assembly from amongst themselves.

105. Have you any disabilities as regards public service?—Oh, yes. Mr. Chatterji has got in his possession a letter in which an official of the Government says, "I am unable to have this man because under departmental rules I cannot recruit Indian Christians."

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107. Dr. Suhrawardy: Am I right in saying that Dr. Datta was a representative of the Indian Christians in the second Assembly?—Yes, he was a nominated member.

108. Is it not a fact that on more than one occasion he voted against Government?—Yes.

109. There is therefore no substance in your suggestion that nominated members cannot exercise their free discretion in the matter of voting?—His case is the very case which suggests to us that nomination is not right. For instance he was not re-nominated for the third Assembly.

110. The appointment of Rev. Chatterji is a sort of punishment to Dr. Datta?—Rev. Chatterji was not nominated after Dr. Datta; another gentleman, Mr. Ratnaswamy was nominated.

111. Ex-President of the Madras Council?—Yes. I say that was the prevalent feeling amongst Indian Christians that Dr. Datta was not nominated because he voted against Government. Rev. J. C. Chatterji: I have myself voted against Government more than once.

Dr. Suhrawardy: You know, Rev. Chatterji, that on an important occasion like the one when the Public Safety Bill was debated, which was defeated by the casting vote of the president, prominent nominated gentlemen absented themselves and their absence practically helped the Opposition.

Chairman: How does it touch the question of Indian Christians?

112. Dr. Suhrawardy: I was referring to that because the suggestion of the Indian Christians is that nominated members are not free to vote. Anyhow I pass on to the other point. You have said that your community is quite willing to see communal electorates abolished and that you are prepared to take your chance without any reservation of seats. Why then do you ask for special representation for your community?—We ask in case this system is retained.

113. I know that. In case this system is retained, do you consider it an evil which ought to be confined within the narrowest limits?—I am afraid it cannot be confined within the narrowest limits.

114. It is not a question whether it can be done or not. Do you consider it a necessary evil which ought to be confined within the narrowest limits for the attainment of the great ideal which you and your community have at heart?—I am afraid I

cannot answer that question. But I do not think that it can be confined within the narrowest limits.

115. Have you got any special interest to be protected so far as your community is concerned?—We have.

116. Let me make my question clear. You have got the Europeans who are Christians; there are Anglo-Indians who are Christians. What is the special interest of the Indian Christians which demands a special representation and special protection especially in view of the fact that you are prepared to take your chance in the general electorate without reservation of seats.

Sir Hari Singh Gour: The same interest as Mohamedans have.

Dr. Suhrawardy: Let the witness answer, Sir Hari Singh.

Witness (Mr. B. L. Rallia Ram): Apart from this fact that Europeans and Anglo-Indians are also Christians, our society is separate; we have got our own institutions and, as a matter of fact, we are organised as a separate community socially and therefore our interests are to be protected.

117. Dr. Suhrawardy: I meant in the Legislative Assembly. What are the special interests which you wish to be protected by special representation of the Indian Christians?—Mr. S. C. Mukerji: It is not a question of special interests. Any interest of the country is an interest of the Indian Christians as citizens of the Empire.

118. Then why do you demand special representation?

Chairman: Forgive me for my intrusion. Dr. Suhrawardy has, of course, put it forcibly. Perhaps I may just say that I really think the position of the deputation is clear. They take up the view, right or wrong, that it would be far better if representation was not based on communal considerations, and they say that if that could be done they would gladly acquiesce. Then they say at the same time, they are afraid that that is an ideal not likely to be realised now and so we should ask for representation not for some section or some division of the Indian Christian community but for the Indian Christian community as a whole. After all, do you not think, Dr. Suhrawardy, that we are more concerned to understand the point of view of these gentlemen than to argue?

119. Dr. Suhrawardy: I am not arguing, Sir. Is it out of jealousy and envy of the Mohamedans or because they have any special interest to protect that they are asking for representation? If they have any special interests, what are they?

Chairman: I think you had better give a short answer to that.

Witness (Mr. B. L. Rallia Ram): Our answer is given on page 319 of our memorandum. "In the case of genuine general electorates, even at a time of communal clash, an Indian Christian may capture a seat, as many Muslims might prefer to vote for him in preference to a Hindu, and vice versa." Our position is that in general electorates we have nothing to lose. Even if we have to lose we will ultimately gain. We will get our rights if we organise ourselves. In a system where communal feeling is in the front we have everything to lose, and therefore we say that in that system we must be protected. But if the system is abolished we are prepared to take our chance for fighting the places when communal feeling will not be uppermost. We are sure that in that case we will get votes both from the Hindus as well as from the Mohamedans.

120. Dr. Suhrawardy: Are you prepared to take your chance in the general electorate?—Yes. We do not belong to any one community; there are both Muslim converts and Hindu converts in our community.

121. Sir Zulfiqar Ali Khan: Can you tell me whether I understand you correctly that in the Punjab council, consisting of 100 members, you want 7 seats?—Not out of 100, but out of 200.



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122. Seven out of 200?—Yes.

123. Is that your ratio?—No. The principle on which we have based the figure is this. We have accepted the principle that the minorities should have an excessive representation to a certain extent, not very much, and we have gone on the assumption that the Lucknow Pact is on the right lines. I have applied the same principles to the Indian Christian community and we have arrived at this figure.

124. Do I understand you to say that you want to carve a share for yourselves out of the majority community in the Punjab?—No. In the Punjab we have suggested that as far as the division of seats between the major communities is concerned, it will not be disturbed. Let them divide the seats between themselves and then add to that number an adequate number of Indian Christian representation. We do not want to complicate the matter further by coming into the share of the other communities.

125. Then how can you fit in your representation?—Supposing there are 100 seats, we suggest that out of these 100 seats 50 should go to the Mohamedans.

126. But the Mohamedans demand 56 per cent. of the seats?—We are not concerned with the demand of the Mohamedans.

127. Why should you fix 50 seats arbitrarily?—That is a matter which you can decide or whoever it be who is going to divide the seats. We suggest this as being a fair representation.

128. I want that it should be definitely stated so that the matter might be quite clear. Supposing the Mohamedans get their seats according to their population ratio, that is, 55 to 56 per cent., then how can you get your 7 seats?—We are 1.5 per cent. of the total population.

*Chairman*: I think I can state their position quite clearly. If the deputation does not agree they may say so. They say that in the Punjab they will be willing to see or they suggest that the Lucknow Pact should be applied in this sense, that the Mohamedans should have as many seats as the Hindus and the Sikhs combined and they say that the Christian seats should be additional seats outside that. It is not quite correct to say that they want 7 seats out of 200, but it is 7 out of 175. Their figures would then be, as they have suggested, as follows:—Muslims would have 75 seats; Hindus and Sikhs 75. These two make 150 and then they suggest there should be added 7 extra seats for the Indian Christians. That is their suggestion. It is open to comment. According to their scheme the Mohamedans do not exactly get 50 per cent. of the elected seats; but they get as many seats as the Hindus and Sikhs combined have. This is their suggestion.

129. *Sir Zulfiqar Ali Khan*: I want this to be made quite clear to me. Supposing that the Mohamedans do not accept the Lucknow Pact, then what happens?—We have suggested that if all the communities are to have the seats on the population basis, then we are prepared to accept the same basis for us also.

130. *Sir Hari Singh Gour*: You say you have no direct representative of the Roman Catholics here; but do I take it that the Roman Catholics such as are members of your Association are in sympathy with your views?—*Mr. S. C. Mukerji*: They have not repudiated us. *Rev. J. C. Chatterji*: Summaries of this memorandum have been published in the Press and we have sent circulars to all the provinces and we have not received any contradiction to our views.

131. Consequently, you are in a position to say that in spite of all the circulars you have issued and the publication you have given to this memorandum you have received no protests against your views?—Yes; no protests from the Roman Catholics.

132. So far as you are able to ascertain, you are for a red to state that your views are shared by many Hindu Roman Catholics?—Yes.

either ca. page 327 of your memorandum you say: 88. *Chairman*: special concessions or favours, either is it not? Is there representation on the legislatures, or

in the public services." I take it that your view is that you are for fair field and no favour to anyone?—Yes.

134. Both in the legislatures and in the public services?—Yes.

135. The next question I wish to ask you is this. You have emphasised the necessity of a joint electorate without reservation of seats. What is your experience of communal electorates during the last eight or nine years?—*Mr. B. L. Rallia Ram*: We had been out of them. Our vote has been with the non-Muslims and, as a matter of fact, the Indian Christians have not taken any interest in them because they have been in one groove.

136. As observers of public life, what is your view?—*Mr. K. L. Rallia Ram*: It has been a question of sub-communalism, Arohras and Khatris and so on. Every one appeals to his own caste.

137. Nationalism has been forgotten and communalism has become rampant?—Yes.

138. With the result that peace and order in the country has been in serious jeopardy?—Yes.

139. In order to restore the confidence of the people in the Government and in the legislatures you want to go back to the system where Indians will feel as Indians and not as Hindus, Arohras, Khatris and so on, is it so?—Yes.

140. Your community is the most literate of all the communities in India?—Yes.

141. You are in favour of a literate vote?—Yes, we have stated so on page 327 of our memorandum. "We desire that some sort of literary qualification be also added, for instance, all vernacular or anglo-vernacular middle passed persons be included in the franchise for provincial councils." *Mr. B. L. Rallia Ram*: You will also notice that in each province where we have advocated an expansion of the franchise we have also included the literary test as a qualification.

142. *Mr. Kikabhai Premchand*: On page 318 of your memorandum you say: "It accepts self-government within the British Empire on Dominion lines as the goal to be achieved." But, in the latter part of the memorandum, on page 326, you say that an intelligent electorate is a necessity. May I know when do you think India will be fit for self-government?—*Rev. J. C. Chatterji*: In what sense?

143. Dominion Status, as you have mentioned?—We have had a definite resolution on that subject in 1917. *Mr. B. L. Rallia Ram*: Our position is this: We want provincial autonomy at once and a considerable advance in the Central Government. We have not asked for Dominion Status at once. We hope that by the end of another ten years when we get the next instalment of Reforms we will be in a position to demand full Dominion Status.

144. When you say that diarchy has failed in the provinces why do you advocate its introduction in the Central Government?—We see no other alternative.

145. If diarchy is introduced in the Central Government, do you think that any single party will be powerful enough to support the minister to the extent required?—We hope so.

146. *Sir Arthur Froom*: Arising out of the question of *Mr. Kikabhai Premchand* and your statement that you are of the opinion that diarchy has been a failure, might I draw your attention to page 318 of your memorandum wherein you say: "We believe that the time has come when the unitary system of government should be introduced by the grant of provincial autonomy in all the major provinces. This seems to us to be the solution of the problem. Any subject which cannot be transferred at this stage in the provinces might be controlled and directed by the Central Government, the provinces being given full power over the remaining subjects." That statement, I suppose, is following out your idea of getting rid of diarchy. The question I want to put to you is this. When you say, "Any subject which cannot be transferred at this stage in the provinces





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you tell us how your deputation feels about the present franchise for women. Do you think it is based on proper principles or do you wish to suggest any change?—(*Mrs. Ahmad Shah*): We want the franchise extended. We feel that the present franchise, in which the qualifications for women are on the same basis as the qualifications for men will not do in the conditions which prevail at present in India. We feel the franchise will have to be extended for women in rather a different way, in order that more women who can exercise the vote may do so. Fifty thousand is a very small ratio to our population, and we can do practically nothing with that.

4. At present, of course, a woman has a vote in this province for the council only if she happens to have in her own right the qualifications that a man voter would have; she must herself be a taxpayer or a rent payer or herself be the owner of property assessed to land revenue. Do I understand the point is that you think the franchise for women should be based on some test which is appropriate to a woman, instead of being based on a test which was originally devised for a man?—In India very few women are property holders in their own right. Most women are joint sharers in property, through their fathers or through their husbands. We feel it would be more equitable for women if the property rights of a father to some extent should be recognised as giving a vote to his unmarried daughters, or the property rights of a husband might *ipso facto* confer the right of franchise on his wife.

5. That would mean, would not it, that a lady would have the right to vote because she was the wife of a man who had the right to vote—something of that sort?—Something of that sort, yes.

6. As things are at present, are these fifty thousand women voters for the most part married ladies, or would most of them have the qualification because they are widows or because they are unmarried?—The right is based on property, and I believe partly on literacy, and of course a great many of the property owners are married, although some of them may be widows. I do not think that has very much bearing on it.

7. We had a similar difficulty, I may say, in England when women's suffrage was first introduced there. The difficulty to begin with was that a test like the test, for instance, of being the occupier of a house, was a test which was very difficult for a married woman to fulfil, because it was in most cases her husband and not herself who had the qualification? —That is our trouble.

8. It seems to be a rather similar difficulty here. Have any of you ladies been able to suggest the sort of qualification which you think would be more suitable for women?—We feel there should be a literacy test; not, perhaps, the same as for men, but slightly less; a test of literacy of, say, at the lowest the upper primary here. That might be the literacy test for women.

9. *Chairman* : I do not think there is at the moment a literacy test here for the council elections, except of course for the university seat, is there?

*Mr. Srirastara* : No, there is not.

10. *Chairman*: It has been suggested, but I do not think there is. You suggest there should be such a thing?—We feel there ought to be.

11. That would mean, of course, the holding of some educational certificate, would not it?—Yes, it would have to mean that, I am afraid.

12. Tell me this. The numbers are not great but do you think that in this province the women voters have begun to take a real interest in political affairs and current affairs? You are one of the pioneers, Mrs. Ahmed Shah, because you have been a member of the council. What is your feeling about it? Do you think an interest in political affairs among women is beginning to arise?—I think it is undoubtedly beginning to arise, but at the present

time women do not go to the polls to vote very much, either here or perhaps in any province.

13. No. We have had the figures. When you were a member of the legislative council yourself, did you find there were women in the province who were interested in political matters and who appealed to you or turned to you specially, as a woman member, on political questions?—Yes. There was a constituent conference of women held in April, and I was given a mandate to represent to the legislative council the desire of women for two seats to be reserved for women members. This mandate was given to me by the ladies attending this constituent conference at Lucknow.

14. If I may refer to England again, those of us who are members of the House of Commons know quite well that the women members of the British House of Commons are the members to whom a great many women's organisations specially appeal for help and advice in various political matters which specially affect women. I did not know whether that has begun to arise in the United Provinces? It has begun.

15. You think it has?—Oh, yes.

16. Is there a woman member of the legislative council at the moment?—No, none.

17. Let me just follow up another suggestion which you mentioned. You spoke of a possible plan, I think, of reserving two seats for women members?—That was a resolution passed by the constituent conference to which I have referred, it was suggested that two seats should be reserved. We are at the present time asking for a reservation of four seats.

18. You mean that is what this deputation is suggesting?—Yes.

*Sir Hari Singh Gour* : Four out of a total of how many?

19. *Chairman* : I do not think they give the vote. It is suggested by these ladies that it would be necessary, for some time at any rate, to have at least four seats reserved for women. Of course, as you know, ladies, there is a large body of opinion in India—one of the many bodies of opinion which ~~do not~~ look with great favour on the idea of making special provisions for special classes or sets of people, and no doubt it is a very good thing to develop ~~and~~ that all citizens should be interested together in public questions as far as possible; but I suppose it is very unlikely for some time to come, to say the least, that under the conditions of India the voters, having to choose between a man candidate and a woman candidate, would vote for a woman!—There is one point, and there is another point as well, namely that at the present time and for a few years of years we feel that very few women would wish to go and canvass for votes from the generally ~~low~~ <sup>poor</sup> class, and canvass the women, but generally speaking, they will not vote as yet, and it is all the more sad condition, then.

20. What are the public concerns that you have regarding this bill? I am not speaking of what is in the bill, but what you think we should expect from the government. There are two questions that arise: public and domestic. The first question is the issue of public safety. The second question is the issue of domestic security. The third question is the issue of the economy. The fourth question is the issue of the environment. The fifth question is the issue of the military. The sixth question is the issue of the education system. The seventh question is the issue of the health care system. The eighth question is the issue of the social security system. The ninth question is the issue of the housing market. The tenth question is the issue of the transportation system. The eleventh question is the issue of the energy sector. The twelfth question is the issue of the telecommunications sector. The thirteenth question is the issue of the financial services sector. The fourteenth question is the issue of the information technology sector. The fifteenth question is the issue of the space exploration program. The sixteenth question is the issue of the international relations. The seventeenth question is the issue of the human rights. The eighteenth question is the issue of the labor market. The nineteenth question is the issue of the consumer protection. The twentieth question is the issue of the intellectual property rights.

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betterment in every direction, in the realm of education, in the realm of medicine and in the realm of social welfare.

23. Passing from the council elections to the local bodies, like district boards and municipalities, do you know if women in this province have got a vote for the district boards?—I do not know.

Mr. Srinastara : Yes.

24. Chairman : And for the municipalities?

Mr. Srinastara : Yes.

25. Chairman : Again, I suppose, if they happen to have the qualification which is the qualification for men?

Mr. Srinastara : Yes.

26. Chairman : Can any of you gentlemen of the Provincial Committee tell me this? You probably know. Is there any case in which there is a woman member of a district board or a woman member of a municipality?

Witness (Mrs. Ahmad Shah) : No, they are absolutely unrepresented.

Mr. Srinastara : At Allahabad there was a woman member.

27. Chairman : That seems to be an instance. You say that in the Allahabad municipality there was a woman municipal councillor?

Mr. Srinastara : Yes. She did very good work in various directions.

Witness (Mrs. Ahmad Shah) : I should like to ask whether there is any woman member of any board at the present time. I do not think there is.

28. Chairman : Perhaps that was the meaning of your answer. There has been such an instance in the past, but there is not now. Have you anything at all to tell us as to the interest or want of interest which women take in these local elections for municipalities and district boards?—Just recently there has sprung up a vote for a woman the other day, and interest is springing up; but I think in the past we have felt that we could not secure a place, and that it was practically useless to try and do so, though we feel the need of women representatives on these boards.

29. Again, if we may think of the history of women's work in public affairs in England—though I do not say it is a guide anywhere else—in England women have taken a part in local affairs for a much longer period than they have in Parliament, and one rather wonders whether, if women are going to play an increasing part in public life here, and to help India to progress, their sphere may not be, at any rate at first, quite as much in the local bodies as in the central or provincial legislatures?—Yes, we do feel that; we feel that we can do a lot on the local bodies if we get a chance to be there.

30. Lord Burnham : I would only ask this one question. You said, I think, that women were increasingly interested in medical education. Could you tell me whether in this province there are women practising as doctors, or acting as medical officers of health under local bodies?—There are certainly many women doctors. I have no figures about there being medical health officers who are women.

31. Have you any figures as to the number that are practising as doctors?—No, we have had no time to prepare statistics.

32. No. I did not know whether you knew that?—I do not know exactly.

Mr. Srinastara : There are quite a large number of women doctors, particularly in the city.

33. Major Aitken : Are there a growing number of women taking up teaching now?—Yes, the number is increasing very rapidly.

34. And they would be likely to be interested in political matters?—Yes, I think so, as far as I have been able to judge.

35. Chairman : Just one further question. Is it your idea, when you speak of four separate seats for women, that those seats should be filled by the votes of women in the elections?—For the present, yes. You

might limit the period, perhaps, but for the present as an experimental measure at any rate, yes.

36. I mean, you are not suggesting that the four seats should be filled by women who are nominated?—No.

37. The four seats to be filled by women who are elected?—Women elected by constituencies of women.

38. And that is the connection in which you suggest that there might be introduced an education test such as a school certificate?—Yes.

39. Mr. Desai : \* \* \* \* \* If the franchise was extended to women, do you think that women in *gurudah* would take the trouble to come to the polling booths and vote, or would that be wasted?—We propose to meet that difficulty by some such procedure as is followed in the two Chambers of Commerce in Calcutta, that is, to register the votes by post.

40. Sir Arthur Frazer : Have the women of India always taken a keen interest in the Government, or the political side of India, in their homes? I mean, do you consider that the women of India have brought influence to bear on their menfolk in their homes on great political questions?—There cannot be any doubt of that, I think.

41. But now you wish that the opinions women hold on political questions, or questions in connection with the advancement of India, should be expressed by representatives of themselves in the provincial councils rather than through their menfolk?—I think all women are feeling that there are many disabilities which have been suffered by menfolk, however through being represented only by menfolk, however good their intentions may have been.

42. Raja Nand Lal Khan : You have suggested a literacy test from certain educational institutions should be produced, or do you simply want that a woman should be able to read and write? What is your idea—that she must produce a certificate?—I think the ability to read and write one language at least should be sufficient.

43. Sir Hari Singh Gaur : I just wish to ask you one question, and it is this. I understand your deputation's point of view is that the disabilities from which your sex suffers cannot be removed unless you have women representatives in the legislature to present the women's point of view, and that the legislature at present are apt to voice the men's point of view rather than the women's point of view, and that is not that so?—Well, we acknowledge the fact—generosity of our menfolk in this matter, but—

44. For instance, as regards the age of consent and the marriage laws, men want to tell you what they would like to do, but they forget altogether what the women would like?—That is not that so?—Yes.

45. Consequently you want that your point of view should equally be represented?—Yes, I should be represented.

46. And as regards the qualifications, that, of course, is a matter of detail?—Yes.

47. What you really want is your effective representation. How it is going to be done is a matter which you want others to settle?—Yes.

48. Sir Lajpat Ali Khan : Mrs. Ahmad Shah, you have just told the Conference that in India there are very few women who have property in their own right?—Yes.

49. Do not you think the Mohammedan women have the right by law to hold property in their own right?—Yes, we acknowledge that, but Hindu women have very few rights in that respect.

50. What about Christian women?—Christian women have rights under Christian law, but Christian women are a very small proportion of the population.

51. Sir Hari Singh Gaur : And are completely

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*Witness* : The ratio bears no proportion to the actual numbers.

52. *Sir Zulfiqar Ali Khan* : But if this right is maintained, that is to say, if the franchise is only granted to those women who possess property, then you think Muhammadan women will be the only women who would exercise the right of franchise?—I had not looked on it in that light particularly, but we feel that that should not be the only test because it will certainly deprive a great many women of the vote.

53. But if you relax this rule, do not you think there will be some confusion? For example, supposing in a household there were husband and wife and four or five daughters, do you think that the wife should be entitled to vote, and not the daughters?—We said in our memorandum that we desired that the daughters of the age of 20 and over should exercise the right through their father's property, and the wife through her husband's.

54. Do you think that the Muhammadan women, although they desire the right to vote on account of property rights, will be able to exercise this right on account of the *purdah* restrictions?—Gradually.

55. That, of course, remains to be seen, but we want to visualise as to the near future. What is your idea?—I think that they will exercise the right to vote, particularly if we have it through the post, if they do not have to come to the polling station, or if special *purdah* arrangements are made.

56. You have suggested voting by post?—In case the constituencies are unmanageable otherwise.

57. *Sir Zulfiqar Ali Khan* : But voting by post especially in the case of *purdah* women, would become rather difficult, because who is to verify whether the right person has voted?

*Sir Hari Singh Gour* : How do they execute documents?

*Witness* : How is it done in the Chamber of Commerce?

*Chairman* : That is a difficulty, is it not? At least from a small knowledge of Indian litigation I think it must be. I know that cases have arisen, have they not, where there has been a good deal of dispute as to whether a document which is said to have been executed by a lady in *purdah* was really the document executed by the particular lady.

*Sir Hari Singh Gour* : That is so.

58. *Chairman* : That would have to be thought out, would it not? Would your idea be that there would be a woman scrutineer, a woman who would, as it were, see to the vote being got in the residence?—I think that would meet the situation.

*Sir Zulfiqar Ali Khan* : Yes, but by post it is very difficult.

*Dr. Suhrawardy* : In Bengal we have separate polling booths for women, with lady presiding officers and polling officers, and Muhammadan *purdah* ladies of high family take advantage of it, and I know that they actually exercise the right of voting.

59. *Chairman* : Would that be a practical way? It seems to be the way they do it in Bengal?—I think so, because at our conferences which are held in *purdah* practically all the ladies come and register their votes with the other ladies.

60. *Sir Zulfiqar Ali Khan* : It is not so in all the provinces. I do not know about Bengal, but in other provinces I dare say the women are not so courageous as to go to the polling stations, so you cannot establish one rule for the whole of India?—We are not establishing one rule for the whole of India. At the present time we are only speaking for this province.

61. But do you think in this province Muhammadan women will go out to vote?—(*The Maharani of Mandi*) : Yes. (*Mrs. Ahmad Shah*) : I think a few of them will, and we will try to educate the rest.

62. Why not prepare them first, before asking for this right?—How long are we to wait?

63. *Sir Zulfiqar Ali Khan* : You said one of the qualifications should be a literacy test, and you say

the upper primary standard may be accepted?—The memorandum says that, yes.

64. If, for example, a woman who has qualified herself only up to that standard is elected a member of the council, do you think she would be able to take an intelligent part in the debates?—In that case we can only say we hope we will be allowed to have the use of vernaculars in the council; otherwise you must have an English literacy test, but we do not want that.

65. You want only an Urdu test?—Urdu or Hindi.

*Sir Zulfiqar Ali Khan* : But the language of the council is English.

*Raja Nawab Ali Khan* : This is a test for franchise, not for the council.

*Sir Zulfiqar Ali Khan* : My point is this. If a woman is elected as a member of the council, and she has only qualified herself up to the standard of primary education, I was asking whether that would be enough to enable her to take an intelligent part in the debates.

66. *Chairman* : Forgive me for putting another question, but are you satisfied, in the absence of any literacy test, that there is any security that a man who is elected to the council will be sufficiently well educated? There is no literacy test for a man.

*Dr. Suhrawardy* : As a matter of fact, in Bengal in 1921 we sent a cobbler to the council who knew nothing.

*Chairman* : I am not criticising anybody, but, in fact, in the Madras legislature, I have heard members—men—take part in the debates who spoke in the vernacular, presumably because they could not speak English.

*Sir Zulfiqar Ali Khan* : Is not that rather a handicap? The community which sends up that kind of representative has always to suffer.

*Chairman* : I think it may be so, though I am not convinced that literary education is always the final test. May I point out there is also a second confusion, which is this. What these ladies are suggesting is that the right to vote should be given to women citizens who satisfy a particular examination test. The question as to what women they would vote for is a different question, is not it? This is merely determining who is to vote. If there are thousands and tens of thousands of men in this country who vote though they are quite illiterate, it does not seem to me these ladies are asking anything very outrageous when they say that in the case of women voters there should be a literacy test.

*Sir Zulfiqar Ali Khan* : I quite see that, but once a lady has that right she can also stand for election.

*Chairman* : Certainly, just as an illiterate man can stand.

*Sir Zulfiqar Ali Khan* : That is so, but an illiterate man is always a great drag.

*Chairman* : I think I would trust these ladies to choose somebody who could represent them properly.

67. *Dr. Suhrawardy* : Mrs. Ahmad Shah, did women exercise their right of voting in the last general election in this province?—Not to any great extent.

68. Did you have any special arrangements for ladies? Did you have a lady presiding officer?—No.

69. *Dr. Suhrawardy* : I made a mistake when I said that in Bengal that was done; I meant in Calcutta. It is confined to Calcutta; in the mofussil they have not got it. (*To the witness*). : My friend, Sir Zulfiqar Ali Khan, has suggested to you that women should be educated first before they are given these rights. Am I right in saying the political education of women has already begun here in Lucknow, and they exhibit a keen interest in politics? On the day of our arrival, I believe I saw the shadow of a lady with a black flag. Am I right?—(*Mrs. Chitamber*) : And there were men, too!

*Sir Zulfiqar Ali Khan* : One swallow does not make a summer.

70. *Sardar Shivdev Singh Uberoi* : Would you like the idea that the property qualification for women should

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be entirely removed, and only the qualifications of literacy and age demanded?—Mrs. Ahmad Shah: We prefer to have both. There are some ladies who have property in their own right, and we do not wish to debar them.

71. But if they are also educated they would have the right to vote?—Yes.

72. Do you wish the property qualification to remain as it is or to be altogether removed in the case of women voters?—We wish it to remain as it is so far as holding property in their own right is concerned, but we wish it to be extended to cover those whose fathers or husbands own property.

\* \* \* \* \*

### Letter from Mrs. AHMAD SHAH dated 5th December, 1928.

WITH reference to the evidence of the Women's deputation, given before the Commission on December the 5th, we omitted to state one most important point, which we consider to be an indispensable factor in our Country's advance toward universal adult suffrage; namely, that in any future constitution it is an absolute necessity that adequate pro-

vision shall be made for the free and compulsory education of both boys and girls, at least between the ages of six and ten. On behalf of the deputation, therefore, I beg that Sir John will very kindly take note of this fact, and that he will give it a place among the claims of Indian women when the case of India is represented before the British Parliament.

### Summary of the Memorandum submitted by the MUSLIMS of the UNITED PROVINCES.\*

*Provincial Government.* Representation to the depressed classes should be given from among the constituencies termed "Non-Muslim." The elections to all the legislative bodies should be by method of direct election.

We regard separate electorate vital to our political existence as our experience of those constituencies where the general electorate obtains has convinced us that Muslims will disappear from all legislative bodies unless separate electorate is guaranteed to us. We are convinced that separate electorate precludes all chances of communal bitterness. Joint electorate with fixed reservation of seats is totally unacceptable to us as only dummy Muslims will be returned. They will be under the influence of Hindus. It is not separate electorate which is responsible for the present tension but the struggle for power waged by the majority community as a result of the Reforms and the activities of the Hindu Maha Sabha and Shudhi and Sangathan movements. But separate electorate is barren and hollow unless it is combined with the protection of the interests of our community in education services, local bodies, and the Cabinet. The U.P. Muslims deem all changes in the constitution unless we will oppose all changes are embodied in a parliamentary statute. We advocate the widening of the franchise for the Legislative Council, the Assembly, and the Council of State. Details will be found on pages 1-2, and 140 of our Memorandum. We advocate the enlargement of the Legislative Council. It should consist of 201 members, in which various communities and interests should be represented. Please see pages 12-13 of the Memorandum. We also advocate enlargement of the Assembly and the Council of State. Please see pages 137-140. Most of us are of the opinion that all subjects except Law and Order, including general administration, should be transferred. Others think that land revenue should be reserved. The subjects that are not transferred should continue to be administered by an Executive Councillor. We think that if, and when, the official *bloc* is removed from the lower chamber, a second chamber should be established in these provinces. We are of the opinion that sections 45 and 65 of the Government of India Act, 1919 should be retained. We think that the powers enumerated in these sections should be exercised as sparingly as possible. We are of the opinion that the principle of classification of subjects into central and provincial which is applied at the present time is fairly satisfactory.

WE DEEM THE FOLLOWING SAFEGUARDS TO BE ESSENTIAL TO OUR EXISTENCE, AND WE WILL NOT AGREE TO ANY CHANGE IN THE CONSTITUTION UNLESS AND UNTIL THEY GUARANTEED TO US:

(1) Representation of community by separate electorate in the legislative bodies as embodied in the Government of India Act, 1919.

(2) Representation of our community in all local bodies, by separate electorate.

(3) Separate electorate in Universities, Board of Intermediate Education, and other statutory and autonomous bodies. The amount of our representation in these bodies should be the same as that of our representation in the Legislative Council.

(4) Representation in the public services maintained by the Government and local and other autonomous bodies. The amount of our representation in the Government departments should be determined by the amount of our representation in the Legislative Council. In local and other autonomous bodies our representation in the administration should be in proportion to our representation on that body.

(5) Representation of Muslims in the Cabinet should in no case be less than 33 per cent.

(6) Adequate safeguards for the Urdu language in the courts, Government Departments, educational institutions, local and other elective bodies created and controlled by the legislature.

(7) If three-fourths of the members of a community object to the introduction of a Bill, resolution or motion on matters affecting the religious or customary rights of our community, in the legislature, or any other elective body, such a Bill, or resolution, shall not be allowed to be moved, discussed or voted upon in any such body.

(8) Thirty-three per cent of all grants-in-aid of education, religion, charity, and for social purposes whether given by the Government or a local body to be reserved for Muslim institutions.

(9) Full religious liberty, liberty of belief, worship, observances, propaganda association and education shall be guaranteed to our community. The general laws of the states shall remain unaffected thereby.

We regard these rights to be fundamental. Unless and until we are granted these safeguards, we will determinedly oppose all schemes for the rearrangement of the constitution. We are strongly of the opinion that no legislature, and no administrative or elective body in India, should be given the power of modifying these safeguards. We are of the

\* The full Memorandum, comprising 290 pages, with 214 pages of appendices, is too long to reproduce.

## SUMMARY OF THE MEMORANDUM SUBMITTED BY THE MUSLIMS OF THE UNITED PROVINCES. [Continued.]

opinion that the British Parliament, through the Secretary of State for India, should be given the power of framing rules in accordance with a statute of the British Parliament, for the purpose of enforcing these safeguards. We would have had no objection to this power being conferred on the Governor of the province, but for the fact that his position would be a delicate one, and he should not be involved in matters in which members of various communities are deeply concerned.

We may refer you to pages 111-112 of the Memorandum for details of the scheme whereby we desire these safeguards to be enforced.

That most of these safeguards are by no means new, but are actually embodied in the constitutions of many of the new states of Europe, will be clear from the perusal of pages 65-111 of our Memorandum; while pages 113-133 show how they are being worked in many European countries at the present time.

*Muslims in the Administration.*—In no country in the world are the services as important an agency of public good as they are in India. The reforms have precipitated the struggle for power and emoluments of office, and for control of the entire machinery of Government. The present tension is due not to the communal electorates, but to the struggle on the part of the majority community for wresting from the Muslims their positions in the administration, education and local self-Government. Unless a free and frank ratio in the services is settled between at least the two communities who aspire to Swaraj, and accepted and legalised in a parliamentary statute, not only will constant bickerings soil our record of self-Government, but clerical castes, with special aptitude for passing examinations, will dominate the country. We are strongly of the opinion that a Provincial Public Services Commission should be established in these provinces and that the ratio of Muslims in every department of the Government and autonomous bodies created and controlled by the Legislative, should be fixed. The amounts of our representation in the Government services should be determined by the extent of our representation in the Legislative Council, while the amount of our representation in elective bodies created and controlled by the legislature should be determined by the amount of our representation on such body. We are of the opinion that there should be a competitive examination, for all public services, and that Muslims and Hindus should sit for the same examination; but Muslims should be selected out of Muslim candidates, and Hindus out of Hindu candidates. We think that minimum qualifications should be laid down for all examinations, and no person should be admitted to any examination who does not satisfy these qualifications.

In our opinion, there should be no change in the parliamentary statute which embodied the recommendations of the Lee Commission. We think that the percentage of Europeans and Indians fixed therein should be maintained for the present. We want to make it clear that this is only temporary. We look forward to the period when this state of things will disappear. We are strongly of the opinion that some of the important posts maintained by the local bodies, such as Secretary, Executive Officer, Engineer, Public Health Officer, should be taken away from the control of such bodies, and should be filled by the Provincial Public Services Commission, after such tests, etc., as the latter may impose. We feel strongly that the Muslims should be guaranteed a percentage in all appointments under the control of provincial government or other elective bodies. We may refer you to pages 148-178 of the Memorandum for a discussion of the various problems concerning this subject.

*Local bodies.*—We are strongly of the opinion that the local bodies should be left comparatively free in the sphere which is allotted to them. But if they are inefficient or partial, and slack in the discharge of their duties to the public, it is the duty of the Government to remove their defects. While Municipal Boards are comparatively efficient, the District Boards have not worked well. The voters are illiterate. On the Boards have been conferred powers which they do not know how to use properly. This does not apply to every District and Municipal Board in these provinces. Some have done well. But the fact remains that the majority of these bodies have not worked smoothly, and some had to be superseded. Their treatment of the Muslim minority has been such as to call forth protests from Muslims all over the province. There are some honourable exceptions to this. But it must be stated frankly that a number of local bodies have subjected our community to a species of treatment which it has never experienced in the history of these provinces. The number of Muslim employees has been reduced. Muslim contractors have been reduced in a number of cases, while the percentage of Muslim teachers in rural areas has been reduced to alarming proportions. They have, in many cases, been Hinduised, and Muslims feel that they are helpless in the matter. For details of the policy pursued by the local bodies we refer you to pages 30-54 of our Memorandum.

We are strongly of the opinion that the Chairman of every Board should alternately be a Hindu and a Muslim, and the Boards should have only deliberative functions, and not executive power. Certain posts under the Boards should be provincialised; the control of the Government should be exercised in all cases where interests of minorities are affected; and the inspection of the finances and working of local bodies by heads of Government Departments, or others under them, should be undertaken. Urdu language should be allowed in all bodies, and Muslim children in schools maintained by these bodies should be given facilities for learning the Urdu language; and the appointment of Muslims in the services maintained by the bodies should be guaranteed. Separate electorate in these bodies should be guaranteed for Muslims. Muslims should be given by statute right to the exercise of their religion. Grants-in-aid for Muslim institutions should be fixed, and should not be left to the mercy of each Board. The Collector of a district should not merely be a critic, but should help the Boards with his advice. Anything done by any local body which violates these safeguards should be declared null and void.

*Judicial.*—We strongly recommend the appointment of thirty-three per cent of Muslims in all grades of the Judicial Department, and the use of Urdu in all the courts.

*Education.*—We have already given evidence on education before the Education Committee of the Statutory Commission, through our representatives, Dr. Shafaat Ahmad Khan, Litt. D., M. L.C., Chairman of the Committee, and Hafiz Hidayat Husain, M.L.C., and endorse all that they have stated before it.

NOTE :—The references to the Memorandums are to the Memorandums submitted to the Statutory Committee, at the end of July, this year.

I have the honour to be, Sir,  
Yours most obedient servant,

SHAFAT AHMAD KHAN.  
M.L.C., LITT.D., F.R.HIST.S.

Chairman, Committee for the Demand, U.P. Moslem  
November 15, 1928.



## LUCKNOW.

Dated 6th December, 1928.

## PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND),  
AND OF THE UNITED PROVINCES PROVINCIAL COMMITTEE.

## Deputation of the MUSLIMS OF THE UNITED PROVINCES.\*

The Deputation consisted of:—

Khan Bahadur Masud-ul-Hasan,  
Barrister-at-Law, M.L.C.

Mr. Zuhur Ahmad, Barrister-at-Law,  
M.L.C., Secretary to the Committee.

Shaikh Adullah, M.L.C., Advocate,  
Treasurer, Muslim University, Aligarh.

Khan Bahadur Fasih-ud-Din, B.A.,  
M.L.C., Retired Collector.

Raja Ejaz Rasul Khan, C.S.I., of  
Jehangirabad.

Nawab Jamshed Ali Khan, M.B.E.,  
M.L.C., President, Zamindars' Association,  
Muzaffarnagar.

Munshi Ihtisham Ali, President, U.P.  
Muslin League.

Saiyid Habibullah, M.L.C.

Khan Bahadur Fax-ur-Rahman Khan,  
M.L.C.

Khan Bahadur Shah Badre Alam,  
M.L.C.

Mr. Abdul Bari, Barrister-at-Law,  
M.L.C.

Nawab Sajjad Ali Khan, M.L.C.

Khan Bahadur Saiyid Zafar Hussain,  
Barrister-at-Law, M.L.C.

Khan Bahadur Ubaid-ur-Rahman  
Khan, M.L.C.

\* \* \* \* \*

1. We propose to ask our colleague, Dr. Shafaat Ahmad Khan, to put questions to you in the first place, and afterwards, other members of the Conference will very likely have some questions to put.—Khan Bahadur Masud-ul-Hasan : I will reply with regard to constitutional questions, and Khan Bahadur Fasih-ud-Din will reply with regard to the Services.

Chairman : Very well.

2. Dr. Shafaat Ahmad Khan : In what capacity do you appear before this Conference?—We appear as representatives of the Mussalmans of the United Provinces.

3. Is your Memorandum supported by the Muhammadans of these provinces?—Yes.

4. Would you kindly tell us, as briefly as possible, what the demands of the United Provinces Muhammadans are?—They are given in our Memorandum on pages 109 and 110.

5. Would you kindly read them out?—Yes. They are these : "1. Representation of our community by separate electorate in the United Provinces legislative council as embodied in the Government of India Act of 1919. The Act embodies the solemn, clear, definite and unambiguous pledge which the British public gave, through the Imperial Parliament, to the Muslim community. That pledge, we hope and believe, the British Parliament will redeem. Separate representation in the legislatures has been guaranteed to us by all responsible British statesmen. We are convinced that these promises shall be kept. 2. Representation of our community in all local bodies, by separate electorate. 3. Separate electorate in the Universities, the Board of Intermediate and High School Education and other elective bodies created and controlled by the legislature. The amount of our representation in these bodies should be determined by the amount of our representation in the legislative council. 4. Representation in the public services, whether maintained by the Government or local and other autonomous bodies. The amount of our representation should in no case be less than thirty-three per cent. in each grade of every

department, maintained by the Government. In the local and other autonomous bodies our representation in the administration should be in proportion to our representation in that body. 5. Representation of Muslims in the Cabinet should in no case be less than thirty-three per cent. 6. Adequate safeguards for the Urdu language in the Courts, Government departments, educational institutions, local and other elective bodies created and controlled by the legislature. 7. If three-fourths of the members of a community object to the introduction of a Bill, resolution, or motion, on matters affecting the religious or customary rights of our community, in the legislature, or any other elective body, such a Bill, resolution, or motion, shall not be allowed to be moved, discussed or voted upon in any such body. 8. Thirty-three per cent. of all grants-in-aid of education, religion, charity, or for social purpose, whether given by the Government, or a local self-governing body, to be reserved for Muslim institutions. 9. Full religious liberty, liberty of belief, worship, observances, propaganda, association, and education shall be guaranteed to our community. The general laws of the State shall remain unaffected thereby."

6. On page 110, in the first line after these safeguards, these words occur : "We regard these rights to be fundamental." What do you mean by "fundamental"? How are you going to get them effectuated?—What we mean by this is that these rights to protect the interests of the Mussalmans should form part of the fundamental rights attached to the Statute.

7. Chairman : You wish to have them expressed in the language of the Government of India Act?—Yes.

8. Dr. Shafaat Ahmad Khan : Could you kindly tell us how these safeguards are going to be enforced in India?—Well, the suggestion that we can make at present is that these safeguards should be enforced through the Governor-General and the Governor of the province. It is open to the Governor either to decide himself or to refer the matter to a judicial tribunal, whether the safeguards affecting the minorities have been acted upon in the spirit of the

\* The references during the examination of this Deputation are to the full Memorandum, a summary only of which has been printed (vide p. 338).

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[Continued.]

law or not, and he should carry out the decision of the judicial authority.

9. You say on page 109 that the Muhammadans of these provinces desire to reserve the amount of representation in the legislature which they have got now. On what ground do you demand your present proportion in the legislature?—The reasons are that we have got our political importance, we have got our social importance in these provinces. We have contributed largely to the culture and advancement of these provinces. The fact of our importance was recognised by the Government of India in their despatch of 1907, which you will find at page 266 of "Indian Constitutional Documents," by Mukerjee.

10. Would you kindly read that portion?—Yes. "The Government of India concur with the pre-enters of the Address that neither on the provincial nor in the Imperial legislative councils has the Muhammadan community hitherto received a measure of representation commensurate with its numbers and political and historical importance, and they desire to lay stress upon his Excellency's observation," and so on. Further on, they say: "Under the system of election hitherto in force"

11. Excuse me; the word "hitherto" means separate electorates?—Yes.

12. *Chairman*: Let us identify the document. Are you reading from a despatch?—Yes. It is a despatch of 1907, at page 266 of "Indian Constitutional Documents," by P. Mukerjee, Volume I. "Under the system of election hitherto in force, Hindus largely predominate in all, or almost all the electorates." Further on, in the 5th despatch of the Government of India, the Government has recognised the special representation of the Muhammadans. This is "The Indian Constitution," by P. Mukerjee, page 460: "Past history and the presence of Muhammadan centres count for much. Fourthly, it might be argued that inasmuch as a majority can always impose its will upon a minority, it does not greatly matter whether the Muhammadans, in places where they are in a conspicuous minority, are awarded, for example, 15 or 20 per cent. of the seats. But we think it a valid answer to observe that the effectiveness of a minority depends upon its being large enough to have the sense of not being entirely overwhelmed. Finally, we should have to remember that whatever advantage is given to the Muhammadans is taken away from some other interest or interests."

13. *Dr. Shafaat Ahmad Khan*: So I take it you want representation in excess of the population?—Certainly.

14. On the ground that if the amount of the Mussalman representation remains as it is, it will have the feeling of being entirely overwhelmed. If we keep our representation according to population, even under the Government of India Act, there will be a sense of being overwhelmed?—That is exactly the idea.

15. Can you give me any other ground for maintaining their present proportion in the legislature besides the ground you have alleged?—Well, there is the Lucknow Pact.

16. *Dr. Shafaat Ahmad Khan*: Is it a fact that a separate electorate intensifies ill-feeling among various communities in this country?—No, not at all. On the contrary, the separate electorates have avoided occasions for further bitterness.

17. How?—Because when you have the mixed electorates the Hindus have a greater chance of fighting the Mussalmans to obtain their object as far as the elections go.

18. Khan Bahadur Fasih-ud-Din, you were a member of the Provincial Executive Association for the Islington Commission. I understand?—*Khan Bahadur Fasih-ud-Din*: I was a co-opted member of the Islington Commission to represent the provincial executive services in 1913.

19. And you have been a Collector of a district in this province?—Yes.

20. So you have a sufficiently long experience of public service?—Yes.

21. What are your reasons for demanding representation in the services?—My reasons are the same as have been given for our representation in the legislative bodies. The legislative bodies dictate the policy, and that policy is carried out by the services. We do not want this representation for the sake of the loaves and fishes of the office, but for the sake of having an adequate share in the administration of our province.

22. Have you heard that some people say that if you had representation in the services the efficiency of the various departments where this rule obtains will suffer?—Not in the least, because hitherto the Muslims have been working with very great efficiency, and their efficiency has been admitted by all the heads of the departments and by the heads of the provinces also, in spite of the fact that they have not come into the services through competitive examination.

29. *Dr. Shafaat Ahmad Khan*: (To the witness.) Khan Bahadur Sahib, I will confine myself to the provinces of India. I should like you to tell the Conference what regulations or rules provinces in India have made for the representation of various communities in the public services.

*Chairman*: Shall we start with this province? I know about some of the others.

30. *Dr. Shafaat Ahmad Khan*: Start with the United Provinces?—In the first place, the Leo Commission has fixed the representation of Indians and Europeans, and also of Muslims and non-Muslims.

31. *Chairman*: Has it? Where shall we find that in the Leo Commission's report?—This is the practice of the executive Government.

32. *Chairman*: I want to be clear about this. I may have misunderstood it, but up to the present I have never heard that the Leo Commission dealt with the distribution of services as between Muslims and non-Muslims. Surely that is so?

*Dr. Shafaat Ahmad Khan*: Quite.

33. Very well; it is a mistake. What you wish to refer to is a practice (it may even be a rule) which has been laid down, I think, in more provinces than one, that while the Government does not undertake to secure a particular distribution of offices according to communities, they do endeavour to follow the rule that no community shall fail to be represented to a reasonable degree. Is that the sort of rule you have in mind?—(Several members of the deputation.) Yes, exactly.

*Dr. Shafaat Ahmad Khan*: For the deputy collectors in this province the ratio as between Hindus and Muhammadans is fixed in the competitive examination. If there are six vacancies, two are offered to the Muhammadans and four to the Hindus.

34. *Chairman*: What sort of posts is that for?

*Dr. Shafaat Ahmad Khan*: The provincial executive service—deputy collectors.

35. *Chairman*: You are speaking of the provincial service?

*Dr. Shafaat Ahmad Khan*: Yes.

*Sir Hari Singh Gour*: The provincial executive service.

*Dr. Shafaat Ahmad Khan*: For the excise inspectors, which is also by competitive examination, the ratio of Muhammadans and Hindus is also fixed.

*Witness (Khan Bahadur Fasih-ud-Din)*: May I explain?

*Chairman*: The doctor sahib is putting it quite plainly, and I am interested to learn. You are referring to recruitment for the provincial service?

*Dr. Shafaat Ahmad Khan*: Yes.

36. *Chairman*: Can you tell me this. Has a document been issued, coming from the United Provinces Government, which lays down "Is there a published document

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[Continued.]

*Dr. Shafaat Ahmad Khan* : Yes. I could give the reference to it later on.

*Witness (Khan Bahadur Fasih-ud-Din)* : It is in the Manual of Government Orders.\* I could submit that later on. What I wanted to submit, sir, was this : that the Lee Commission fixed the proportion of Indians and Europeans in each province.

37. *Chairman* : For the All-India services?—For the All-India services.

38. Excuse me if I correct you, but we must get it right. They did not fix the proportion for each province; the proportion was fixed for the All-India services?—Yes, and subsequently the local Government fixed the proportion in the services under its control—the proportion of Muslims. It fixed the proportion in the Police department and in the executive provincial services and in all the other branches of the services, even in the case of services the recruitment to which was made by competitive examination.

39. *Dr. Shafaat Ahmad Khan* : How would you secure representation of the Muslims in the services consistently with efficiency? Have you any scheme?—Yes. I should like to lay down the minimum qualification and then I would reserve seats. There should be competitive examinations for the Muslims and non-Muslims separately, and I would take the requisite number of Muslims on the basis of the result of the competitive examination, as is done in the case of deputy collectors now.

40. What is your experience of the working of local bodies in these provinces?—(*Khan Bahadur Masud-ul-Hasan*) : My experience of the working of local bodies in these provinces is that generally the working has deteriorated and the efficiency has suffered, but there are honourable exceptions to this general rule.

41. Can you tell me how the local bodies have treated the minorities?—That is rather a difficult question, but as a matter of fact I know that generally the minorities have not been properly treated. Their interests have suffered, and in spite of their separate representation they have not been able to protect their interests.

42. What interests?—As a matter of fact, we find that Muhammadans have been eliminated from the services; slaughter houses have been closed, and various obstacles have been put in the way of their exercising their civic rights; for instance, in the schools their education has suffered; Muhammadan teachers have not been fairly treated, and grants have not been made sufficient to save their interest in education.

43. Is any check imposed by any instrument or statute whereby the local bodies can be controlled in their treatment of minorities?—Unfortunately, in India, and especially in our provinces, the check from above is very limited; but in European countries rules have been laid down by statutes whereby the local bodies are compelled to protect the interests of the minorities according to a certain standard.

46. *Dr. Shafaat Ahmad Khan* : *Khan Bahadur Masud-ul-Hasan*, will you kindly tell me why the safeguards in Europe to which you have referred have not been so effective?—As a matter of fact, the execution of these safeguards is entrusted to the League of Nations, and the League has exercised only the right of advice and persuasion; no force has been brought to bear on these States to enforce these rights. In the case of the British Empire it would be entirely different. If the British Parliament has to see to the enforcement of these minority rights, the British Government can exercise physical and other force to make the provincial Government carry out what the law lays down for minorities.

47. *Chairman* : We need not go into this at length, but perhaps you will allow me to point out to you what is the real difficulty, as it strikes some of us, in this line of suggestion. It is not that any fair-minded man would not wish to see the rights of a

minority protected. Every fair-minded man, of course, ought to want that. The difficulty is not a theoretical difficulty but a practical difficulty. You do not get any practical protection merely because you have a general phrase put into an Act of Parliament; the practical protection arises if the language of the Act of Parliament is such that it can be enforced in detail. You said just now, by way of example, that you thought that in some of the district boards where there was a Hindu majority the Muslim teachers did not get a fair chance. Let us take that as an illustration. I can understand that Muslim teachers would be protected by the growth of a public opinion which felt that one ought to do what was fair by everybody, whether the person concerned was a Hindu or a Muslim; but what sort of clause do you think could be put into an Act of Parliament which would secure that a Muslim teacher got a fair chance? What is your idea?—This is a matter of drafting. What we want is that the principle should be settled and recognised, and it should be left to the Government of India and the local Government to lay down rules by which that principle could be translated into action.

48. Yes, I quite understand it if what you suggest is what you have mentioned already, namely that there should be a rule, backed by Statute, that appointments of a particular sort should go to members of different communities in a particular proportion. There may be objections and difficulties in regard to that, but at any rate I understand the suggestion. What I feel some difficulty about is in understanding the suggestion that over and above that there is something which can be put into an Act of Parliament which is going to secure that people are fairly treated. You see, representative institutions necessarily mean that you leave a great deal of discretion with the body that has been appointed; and if at the same time you require that at every moment in every individual case some superior authority is to intervene, how much have you got left of representative institutions? That is the practical difficulty. I am not saying this in the least to criticise what you say, but to get your help?—As a matter of fact we feel that if safeguards and guarantees were provided in the Statute with regard to the principle, the representative of the King in India will see that they are properly executed.

49. There are many Constitutions which begin with the words "All men are equal." Is it your reading of history that the countries whose Constitution begins with those words have in fact secured equal treatment for all men? That is the difficulty. I am not in the least criticising you; I want your help?—Yes. What we feel is that once these principles are recognised and incorporated in the Act, the Muhammadans themselves will exert themselves to protect their interests; the Government, on the other hand, will see they are executed, and the majority will also realise that if these provisions are not executed they stand to lose a great deal of power.

51. *Dr. Shafaat Ahmad Khan* : \* \* \* (*To the Witness*) : What would be the policy of the Muhammadans if their demands are not granted?—This is a most serious question. We feel that if our demands are not granted, or we are deprived of those privileges which we exercise to-day, we shall immediately ask His Majesty's Government to scrap the existing Reforms, because if safeguards are not provided for the interests of minorities our position will be jeopardised, and not only our community but we feel India as a whole will suffer.

*Chairman* : Forgive me. We none of us want to carry these statements further than, on reflection, the deputation really intends. Turn to page 110 of your book for the moment please. I read there : "We regard these rights to be fundamental. Unless and until we are granted these safeguards, our

\* *Vide Appendix, p. 346.*

community will determinedly oppose all schemes for the rearrangement of the Constitution." That is not the same thing as asking the existing Constitution to be scrapped.

52. *Dr. Sajaat Ahmad Khan* : But your point is that the present arrangement has not secured your rights?—That is so.

53. And therefore unless these rights are further secured, you will be quite prepared to see the whole of the present Reforms scrapped. Is that what you mean?—That is exactly what I mean.

54. *Mr. Desanges* : You have seen this book, the "All-Parties Conference of 1926," I take it?—Yes.

55. Do not you think that the demands made by your community will not strengthen nationalism in this country?—Most certainly, because it will remove the causes of friction and it will afford an opportunity to co-operate for the well-being of the country.

56. But why are you not in favour of the government of India by Indians—that is, the Muhammadans fusing with the Hindus?—At present I feel that the nationalism in India means nothing short of Hindu communalism. If we were satisfied that our rights were protected by parliamentary enactment, and if the British Parliament has guaranteed to us those rights and enforcement of those rights, we certainly would have advocated full responsible government in India; but until our rights are protected we cannot take the risk.

57. *Khan Bahadur Hidayat Husain* : Do you think that communal tension would be intensified by the substitution of joint electorates for separate electorates?—Most certainly. That is what we are afraid of.

58. Your opinion is based on what?—On experience.

59. What do you say as to the reservation of seats from a joint electorate in order to foster nationalism in India?—We feel that by substituting a mixed electorate with the reservation of seats for the separate electorate, Muhammadans will not be able always to return their true representatives to legislative bodies, and that those who would be returned in the majority of cases would be the dummies of the majority community.

60. In these provinces even in 1924 the Hindus generally supported separate electorates. Since when do you think there has been any organised opposition to separate electorates in these provinces?—Well, it started after 1924, as a matter of fact, with the advent of the Mahasabha.

61. When was that?—When the activities of the Mahasabha were intensified.

62. *Chairman* : I think perhaps time might be saved if I say this. We had a very careful and full statement on this side of the matter when we were in Lahore, and this particular point when there was a change in the view taken by those who spoke for the Hindu community about separate electorates was very carefully gone into. Sir Muhammad Shafi went into it with us, and I may tell you at once the conclusion which seemed to be historically correct to most of us. It seemed to be established, as you have just said, that at one time there was not an objection to separate representation, and I think you are correct in saying the change began to come about the year 1923 or 1924, or thereabout. I think it would be difficult to say it is quite as late as you suggest, for this reason, that as a matter of fact the objection is mentioned in the report of the Muddiman Committee, and the Muddiman Committee signed its report in December, 1924; so it appears that it arose before then. On the other hand, we need not go over the ground again. It is fair to remember that the difference of view which undoubtedly has grown up on the part of a large part of Hindu political opinion may be said, perhaps, to be due in fact to experience of the actual working, because, of course, in the days when there was a general agreement that there should be separate

electorates it was before they had been used in connection with the present Constitution. There had been some use of the system of special communal electorates, but the actual experience of working of them on a large scale, of course, only took place lately. Do not you think that fairly states what the history is, as you understand it?

*Khan Bahadur Hidayat Husain* : Yes.

*Chairman* : I only wanted to save your time, because we have had it before.

63. *Mr. Srivastava* : Khan Bahadur Masud-ul-Hasan, you say yours is a representation of the Muhammadans of the United Provinces. How do you call it so?—This is the most representative deputation that could be had in the United Provinces. It consists of the elected representatives of the Muhammadans in the Council; it has got the President of the Provincial Muslim League; it has the representative of the Muslim University; and besides this, when we prepared our memorandum we consulted the representatives of the local bodies, and we also discussed the principles in the All-Parties Conference that was held at Cawnpore; so our representation and our memorandum represent the whole Muslim community of the United Provinces.

64. There are no exceptions?—There are exceptions who do not count.

64. *Mr. Srivastava* : \* \* \* \* \* Khan Bahadur Masud-ul-Hasan, are you an elected member of the council?—(*Khan Bahadur Masud-ul-Hasan*) : I am a nominated member of the council.

65. Nominated by Government?—The nominations are made by the Government.

66. Have you anyone else in your deputation who is a nominated member?—There is one other.

67. *Chairman* : It seems to me this deputation is a deputation which contains two nominated members of the legislative council and I think nine or ten others?—(*Several members of the Deputation*) : Eleven.

68. *Mr. Srivastava* : On page 3 of your memorandum you make a complaint about the special constituencies. You say there are six constituencies in the United Provinces which could return a member of your community, or rather of any community. Do you stand by the statement that those constituencies could return a member of any community?—If they wished to they certainly could.

69. Are you aware that the Upper India Chamber of Commerce has not got a single Muhammadan member?—I am not aware of it.

100. *Mr. Srivastava* : You did not verify that fact?

*Chairman* : Is that so?

*Mr. Srivastava* : That is so.

101. *Chairman* : The Upper India Chamber of Commerce does not contain any Muhammadan member? Is that by its rules?

102. *Mr. Srivastava* : No, but no Muhammadan has cared to join the Chamber. (*To the Witness*.) Are you aware that the United Provinces Chamber of Commerce has got only two Muhammadan members out of a hundred and six?—It may be so, but if they wanted to give an opportunity to the Muhammadans they would certainly elect one of them.

103. Do you know whether any Muhammadan has stood in these constituencies?—They had no chance.

104. Do you ascribe this definitely to a determination on the part of the Hindus not to let the Muhammadans get in for these constituencies?—If we are to judge the sympathetic spirit of the majority community by their actions in the United Provinces, we can certainly infer it was on account of this that no Muhammadan was elected. We also find that in the district boards in the whole of the United Provinces only a solitary Muhammadan has been elected as chairman.

105. I am not concerned with that; I am asking only about these constituencies. Will you please

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[Continued.]

keep to my question?—I am trying to prove the spirit which is behind all this.

106. My question is this : Have the Hindu members of these constituencies made a definite "dead set" against the Muhammadans, so that they shall not get in or is it only a matter of chance that they have not got in?—We have to infer the motives from the results.

107. You cannot say they made a "dead set" against the Muhammadans?—I cannot say what was in their minds, but we have to judge their motives by the results.

108. You demand 33 per cent. representation in all services and you want 33 per cent. of grants-in-aid for education, religion and so on and so forth. Will you be willing to pay for this in the shape of taxes? Will you be willing, as a community, to pay for these things in the shape of taxes?—We have been paying. Our population is only 14·8 per cent., but we have been paying 23 per cent. of the revenue in the United Provinces.

109. *Chairman* : 23 per cent. of what?—Of Government revenue.

110. You mean of land revenue, do not you?—Yes.

111. You see, there is also income tax?—Muhammadans have been paying income tax on their incomes as well.

112. I am not disputing with you; I only mean that what you refer to is land revenue?—Land revenue, yes.

113. *Mr. Srivastava* : My question is this. If it be found that the taxes which you pay come, say, to only 20 per cent., would you still insist that you should get 33 per cent. of all these "loaves and fishes" as you have called them in one place?—The taxes and the revenues paid into the Government exchequer become the property of the State, and it is the duty of the State to distribute them to the various interests according to their requirements.

114. I am not concerned with the duty of the State, but would you regard it as fair that if you are paying only 20 per cent. of the taxes, you should get a bigger share in the emoluments which accrue from those taxes?—Most certainly it would be fair. If capitalists pay a large amount of income tax, it does not follow it should all be spent on them.

115. You said that in a number of local bodies the slaughter-houses have been closed. Can you give instances?—Take the case of Jhansi; in spite of the protests on the part of Muhammadans the slaughter-houses have been closed and the Muhammadans made to suffer. We have given instances in our memorandum also.

116. But does it not rest with the Government not to accept a proposal like that?—The Government cannot interfere; the Municipal and District Boards Acts have not given them sufficient power to intervene.

117. You want separate electorates and you have stated in various portions of your memorandum that separate electorate is only a modification of the system of proportional representation. Would you be content with proportional representation?—According to the Nehru Report proportional representation is not practicable in India.

118. I am not talking of the Nehru Report. Would you be content with proportional representation?—No, we cannot.

119. *Chairman* : I understand your question is whether the Muhammadan community as represented by this deputation will be content with having the same proportion of elected seats in the council as Muhammadans are of the whole population.

*Mr. Srivastava* : No, Sir. My question is that if the single transferable vote system is adopted whereby the minorities are automatically protected

*Chairman* : I do not think it works quite automatically; it is rather elaborate.

120. *Mr. Srivastava* : It is elaborate, but supposing the difficulties of working it could be solved, would

you be content with that system?—We will not be satisfied because that would not give us sufficient representation.

121. Would you refer to pages 116 and 117 of your memorandum? You have described this proportional representation at great length and you have said how it is worked in different countries. At page 117 you say "the difference between separate electorate and proportional representation is one of method and not of principle"?—Yes.

122. It seems that you regard separate electorate to be the same thing as proportional representation—it varies only in the method?—The result of the two is practically the same.

123. Well, then, will you not be content with that system?—No, because it would not give sufficient representation, and in India the system of proportional representation is unworkable at present.

124. Then your objection to proportional representation is that it will not give you weighty representation?—Yes.

125. *Chairman* : If you look at page 117 you see a further point has been made. It says: "In the former (that is the separate electorate) the minority is organised in a separate electoral roll, in the latter (that is, proportional representation) it is organised in well-disciplined, well-trained and intelligent, political parties." If you turn over to page 118 you see it is stated: "We may point out that in India parties are not often formed, and elections are rarely fought, on political issues, as it is the personal influence of the candidate and his friends which is the determining factor in all contests." I am not saying whether it is right or wrong, but assuming, for the moment that it is right, it does seem rather that in the present circumstances of India it might be difficult to work the system of proportional representation.

*Mr. Srivastava* : It may be difficult, but I am asking whether the deputation will be content if the difficulties can be got over?

*Witness (Khan Bahadur Masud-ul-Hasan)* : No.

126. *Kunwar Bisheshar Dayal Seth* : You have said that in spite of separate electorates your interests have suffered a great deal in the local bodies. Then do you think that separate electorates have failed in this respect and that therefore some other system should be substituted in its place?—Without safeguards separate electorates cannot secure our protection. As a matter of fact, in the Lucknow Pact we had provided for a proviso that if three-fourths of the members of the minority oppose any resolution or a Bill affecting that community it should not be proceeded with. But that part of the Pact was not accepted by the British Parliament and therefore we are left only to protect our interests by means of separate electorates. They give us representation but for want of safeguards in the Statute or the rules our interests have not been sufficiently protected.

127. You have complained a great deal about the Hinduisation of local boards. Has any representation been made to the minister of Local Self-Government about that?—It would have been utterly useless because he has no power to interfere.

128. Was any representation on behalf of your community ever made to the minister of Local Self-Government about this matter?—Complaints have been made in the Press; we have made complaints from our platforms. We have brought it to the notice of the minister but he is helpless.

129. That was only in an indirect way. Did you make any direct representation?—Yes. A direct representation was made to the minister in Lucknow with regard to the Melad controversy, but the minister could not do anything in the matter.

130. It was only on one occasion about the Melad controversy that you made that representation?—That was on a very serious occasion. If on such an occasion he could not interfere I do not know how he can interfere on other occasions.

131. Now about the second paragraph on page 186 dealing with the courts and the judiciary in the United Provinces?—That paragraph has been deleted.

132. I want to know how is it that you had to withdraw a thing which you had originally included?—It does not affect one way or the other since it has been withdrawn.

133. *Raja Nawab Ali Khan*: May I draw your attention to page 18 of the green book wherein you say: "We have said before that the peace and the future of the country are . . . at stake, and it therefore grieves us beyond all description to say that if no adequate safeguards for the proper Moslem interests are guaranteed by the British Parliament and made an organic part of the Constitution, we will not only say halt to all further Reforms, but we would strongly advocate going back to the pre-Reform days." If proper safeguards are not provided you would rather have the Reforms stopped?—Yes.

134. On page 4, paragraph 3 you say: "The Moslem public strongly feels and the realities of every-day life demonstrate it beyond any shadow of doubt that the Hindu cannot be trusted with Moslem rights." Do you consider that in an atmosphere of this kind it is possible for responsible government to flourish?—Certainly not.

135. Will the result of communal electorates not be to encourage the growth of parties based on religion and not on politics?—As a matter of fact in our own council the parties are not formed on religious grounds. Muhammadans belong to various political groups.

136. But do you recognise the desirability of forming parties on political lines or not?—Most certainly.

137. Is it possible to form those parties under these communal electorates?—Certainly; we have got parties even now in the legislature.

138. *Mr. Srivastava*: What parties are you referring to?—There is the Progressive Party, there is the Swaraj Party and there is the Nationalist Party.

139. *Chairman*: I understand what the witness means in his answer is this, that when you look at the political alliance of different Muslim members of the Council you will find that all the Muslim members do not belong to one party and act together but some of them act with one political group while others with some other political group. But you see *Khan Bahadur* that there is a very good point in the question put to you by the *Nawab Sahib*. What do you contemplate for India? Do you contemplate a future in which Muslim members will be elected by Muslims to look after Muslim interests and Hindu members will be elected by Hindus to look after Hindu interests, or do you contemplate a future in which citizens will be elected to look after the interests of the country as a whole?—Our ideal is that, till such time as the electors feel their full responsibility and we have developed our political conception, separate electorates will have to be maintained to protect our interests. But we look forward to a time when all the various interests will unite and work for the United India.

140. *Raja Nawab Ali Khan*: Can you visualise the time?—The time will come.

141. When?—I cannot answer.

142. On page 16 of the green book you say: "We have no doubt that the time has long arrived when joint responsibility of the ministers in the administration of transferred subjects should be enforced." How do you think that this can be achieved when ministers are drawn from communal parties?—If it is possible for the Muhammadans and Hindus to co-operate with various political parties in the council the ministers could certainly co-operate with each other.

143. You recommend on page 20 that "In cases in which the interests of the Moslem community

are involved, the minister belonging to that community need not be bound by the majority if he commands a majority of three-fourths of the Moslem members of the Council." How then is joint responsibility possible under these circumstances?—This is an exception to the general rule. Cases may arise when a Muhammadan minister possessing the confidence of the majority of Muhammadans may not possess the confidence of the majority of the Hindus and he may be a very good minister from the point of view of the Muhammadans.

144. My point is how joint responsibility is possible under those circumstances?—It may be limited, but all the same it will be a joint responsibility. Such cases may arise, if at all, very rarely.

145. You say on page 8 that the Lucknow Pact has the sanctity of contractual obligations. If so, it is binding on both parties, the Hindus and the Muhammadans?—Certainly.

146. Then you do not agree with the demand of the All-India Muslim League, Lahore, that representation should be on population basis? It follows, if the pact is binding on both parties, that you do not agree to the demand of the Muslim League?—The case of the Punjab is absolutely different from the case of the United Provinces. The case of the United Provinces has to be determined on its own merits.

147. If it is a contract it is binding on both sides. Both the Hindus and the Muslims entered into the contract which is known as the Lucknow Pact. If it is binding on the Hindus it is binding also on the Muslims?—As far as the Muhammadans of the United Provinces are concerned they feel that it is a pact binding on all.

148. Therefore, I say, you do not agree with the view held by the All-India Muslim League, Lahore?—We have no right to express the view one way or the other.

149. It therefore follows that you do not wish to see the Muslims in a majority anywhere, in any province in India?—I do not say that.

150. If you think that the pact is binding, it follows because the Lucknow Pact gives the Muhammadans a minority in every province?—Yes, it does.

151. And you want that it should be given effect to?—I have not stated that the Muhammadans should remain in a minority in every province. We are dealing with our position in this province.

152. On page 6 of the green book you say: "The Hindus have so far done nothing and they refuse to do anything, as the course of negotiations during the last few months has shown, to win the confidence of the Muslim minority." Is it not a fact that in the Lucknow Pact they allowed the Muslims more than double their representation? They allowed you 30 per cent. representation and yet you say that the Hindus did nothing to win the confidence of the Muslim minority?—This does not refer to the conditions prevailing at the time of the Lucknow Pact.

153. There is a specific charge made against the Hindus that they have done nothing to win the confidence of the Muslims?—They have done nothing to win the confidence of the Muslims after the Lucknow Pact.

154. You say that the Hindus have so far done nothing?—It means that.

*Chairman*: I think it is fair to say that at least to my mind this refers to the period after the introduction of the Reforms. I think that is what he means. I do not say anything at all about the merits.

155. *Raja Nawab Ali Khan*: You say, on page 7 of the memorandum: "It is clear that if joint electorates are alone restored, Moslems will be wiped out of the legislatures." {Are you aware that in the Punjab—

*Dr. Suhrawardy*: He is talking of the United Provinces.

156. *Raja Nawab Ali Khan*: I am giving an instance. Are you aware that in the Punjab in the

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[Continued.]

29 district boards the Muslims secured 45 seats in excess of the number to which they are entitled?—I have not studied the Punjab figures because we are only concerned with our province.

157. But you have not got a mixed electorate in the district boards or in the municipalities?—No, we have not. We have got it in the Taluqdars' Association where not a single Muhammadan was elected last time.

158. Do you attribute it to communal differences?—Most certainly. Otherwise there is no reason for not electing a competent Muhammadan taluqdar.

159. *Sir Sankaran Nair*: You said you looked to a time when the Muhammadans and the Hindus in this province will be able to co-operate. Will the acceptance by the Muhammadans of joint electorates be a test that the time has come to co-operate, that you are willing to co-operate?—Sir, the moment we find that the majority community is treating us on the principle of equality and fraternity, we would say that the time has come.

160. You would be willing to accept joint electorates?—Certainly.

161. Then that may be taken as a test that you feel that the Hindus will co-operate with you?—Certainly.

162. Supposing an absolute majority of the Hindu members of the legislative council and an absolute majority of the Muhammadan members of the legislative council pass a resolution pledging to dispense with separate electorates and to accept joint electorates, do you think you can accept that as a test that the time has come for you all to work together and when separate electorates could be dispensed with?—It is rather a difficult question. It depends on whether the majority of the Muhammadans would be prepared to repose the same confidence which a few of their representatives do in the majority community. Therefore, I think that in a case like that the best thing would be to have a plebiscite and find out the view of the majority of the Muhammadans themselves.

163. *Sir Zulfiqar Ali Khan*: We hear a great deal about Indian nationalism and about the identity of interest of the different elements of Indian population. Do you think that when it comes to practice the Hindu majority is willing cheerfully to concede to you your rights with regard to services, separate

electorates, etc.?—Unfortunately, our grievance is this, that so far they have not cheerfully done so.

164. Then under these circumstances do you think that in order to preserve your existence you must demand separate rights?—We only want safeguards to protect our rights with separate electorates.

165. With a provision for adequate representation in the services?—Yes, certainly.

166. Please let me know also whether you agree with the Nehru Report?—No, we do not, because we find the Nehru Report in many respects is injurious to the interests of the Muhammadans as a whole.

167. Could you tell me whether in your province there have been many communal riots?—There have been a large number of communal riots in the United Provinces.

168. Which community suffers on account of these riots?—Mostly the Muhammadans.

169. Could you please tell me if under these conditions you want Law and Order to be a transferred subject?—We are not in favour of the transfer of Law and Order until such time as normal conditions are restored and the communities start dealing with each other as rational beings and as equals.

170. Could you tell me whether when you want your increased or enhanced share in the services you feel morally certain that in other provinces where the Muhammadans are in a majority the Hindus will as a matter of reciprocity get this privilege?—Certainly.

171. I find from my honourable colleague's question that you have got more than your due share in the services. I want to know whether it is due to any favouritism on the part of the Hindus or whether you have got this against their wishes?—We have not got our due share in the services and whatever we have got is only through the efforts of the British Government.

172. *Sardar Shivdev Singh Uberoi*: May I know whether the safeguards mentioned in your memorandum on page 109 to be laid down in the future Constitution of India are for a certain fixed period or for ever?—If the Act is to be passed we urge that they should be incorporated in the Statute. I cannot say what will happen in the future because the future will take care of itself.

\* \* \* \* \*

### Appendix. (Vide Q. 36, pp. 341-2.)

#### Secretary, Indian Statutory Commission.

When the Muslim deputation were giving evidence before the Joint Conference I was asked whether this Government had ever issued any announcement or resolution declaring their general policy in the matter of the representation of minority communities in the public services. I informed the Chairman at the time that no such announcement or resolution had been made. There is in the Manual of Government Orders (para. 345A) a paragraph drawing attention to the necessity of securing a due admixture of castes in Government service in order to prevent a monopoly of Government employment by particular sections of the community and to secure the admission to the services of castes hitherto either unrepresented or represented only to a small extent. That paragraph is based on an order of the Governor-General in Council dated January 20, 1911. The object of the order was, I think, to prevent caste cliques in Government departments rather than to secure representation of minority communities such as the Muslims.

2. While, however, no general policy has been announced there is a well recognized practice of securing a certain proportion of representation to Muslims; in regard to certain services the practice is authorized by definite rules. In other services it would seem to be on convention rather than definite rule. I give below examples from different services:—

(1) In the United Provinces Civil (Executive) Service one-third of the vacancies to be filled by

competitive examination is definitely reserved by Government order for Muslims (para. 38 of the Manual of Appointments and Allowances). A proportion of the numbers of this service are appointed by promotion from the rank of tahsildar, and the generally recognised distribution of appointments so made is five Hindus to three Muslims.

(2) United Provinces Civil (Judicial) Service; rule 4 of the rules regulating appointment to this service prescribes that in making appointments endeavour should be made to secure the due representation of the different classes and communities. No definite proportion of vacancies is, however, laid down for any community.

(3) United Provinces Police Service—Under rule 4 of the rules regulating appointment to this service the Governor in Council is empowered to announce, with a view to prevent the preponderance of any community in the service, the number of vacancies which shall be reserved for particular communities. No definite proportion is laid down. As a matter of fact, the Muslims actually preponderate in this service.

(4) Recruitment to the Provincial Forest Service is at present in abeyance but the rules prescribe that the names of candidates who head the list at the examination up to double the number of vacancies are to be submitted to Government for final selection in order, so far as



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possible, to give effect to the principle of adequate representation of different communities.

(5) In the Subordinate Revenue Service it is laid down that not less than two and not more than four Muslims shall be taken for every five Hindus, the ratio being determined in each year according to the comparative merits of the candidates.

(6) In the case of sub-registrars there is no rule nor definite order prescribing the representation of minority communities, but in the last four years Muslims and non-Muslims have been appointed in the following proportion :—

1925	...	...	3 to 5
1926	...	...	2 to 3
1927	...	...	6 to 12
1928	...	...	4 to 6.

(7) In the Subordinate Educational Service there is an established convention that 30 per cent. of the total number of appointments are made from the Muslim community provided that qualified candidates are available.

(8) In the Excise department there is an order that in the recruitment of excise inspectors 30 per cent. should be Muslims.

(9) In the Co-operative department there is a definite order that one-third of the new appointments of inspectors and assistant registrars should be given to Muslims.

(10) In the Agriculture department the usual rule in making appointments to the subordinate agricultural service is to appoint one Muslim to every two Hindus.

(11) In the Subordinate Police Service there is a regulation that Mohamedans shall not be allowed to absorb more than half the appointments.

3. These examples are sufficient to show that while Government policy has never been announced in general terms, the practice in the various departments has been to secure either by definite rule or by convention a proportion of Muslims which in most departments has been fixed at 30 per cent.

T. SLOAN,  
10.12.28.

### Memorandum submitted by Mr. RAMA CHARANA, B.A., LL.B., Advocate to Chief Court of Oudh, and M.L.C. of U.P., Daliganj, Lucknow.

The problem of the uplift of the depressed classes is one of vital importance and requires immediate attention of the Government. Sir Tej Bahadur Sapru once aptly remarked as follows :—

"I do say what is my most sincere conviction, that unless you are able to solve your own social problems about the depressed classes and the untouchables I do not see any real prospect for real genuine constitutional advance, and any constitution that you may get will certainly not arouse any interest in me, because I do feel, however good, however perfect, however ideal your constitution may be, unless you have got the support of the minorities and unless you command the confidence of those whom in your vanity you may describe as depressed classes, your constitution will not be worth a day's purchase."

What is the root cause of the degradation of the depressed classes? Is there any inherent defect in them or have they been brought down to this state by others? The root cause of depression may safely be described as follows :—

The so-called high-class Hindus religiously believe that the depressed classes are *Sudras* and as such their duty is to minister to the wants of the three regenerate classes. They are not entitled to acquire any sort of education. They are lowest in society. They have no right to enter the public services of the Government. They have no right of representation in the provincial and central legislatures, in the local bodies, in the cabinet of the Provincial and Central governments, in the grants-in-aid of educational and other institutions, in the Universities and in the secondary, primary and other types of schools maintained by the State. As to the causes which have led the so-called high-class Hindus to entertain such belief I will refer you to the address which I delivered as president of the Special Session of the Audi Hindu (Aborigines) Conference held on the 29th January, 1928, at Lucknow. (Copy herewith enclosed.)\*

The next question is as to whether the high-class Hindus have conceded or are they likely to concede any status of equality to them. That they have not, is patent from the fact that the depressed classes have not even acquired bare literacy equal to the high-class Hindus. While literacy among the high-class Hindus is 4.5 per cent. in these Provinces it is only .5 among the depressed classes, *vide* page 67 of Wetherill Committee's Report, 1927. It is admitted in the report that this backwardness is due to strong social prejudice and to economic causes, *vide* page 8. This prejudice is to be found not only in those high-class Hindus who are admittedly too conservative and

too orthodox to allow any sort of equality to the depressed classes but also in those who pose themselves to be the accredited representatives of the depressed classes in the local bodies and the legislatures. The District and Municipal Boards are charged with the duty of diffusion of primary education. But even these bodies discourage depressed class education, *vide* General Report on Public Instruction in the United Provinces for the year ending 31st March, 1926, at page 41. About Rupees 80 lacs are granted by Government to local bodies for primary education, but only a little over a lac is spent for depressed class education and this pittance is year by year approved in the budget by the members of the Local Legislature and Hindu members who are, as a rule, high-class Hindus, have never raised their little finger against this unequal distribution.

The few qualified men belonging to the depressed classes try in vain for admission into the public services maintained by the Government and by the local bodies. What is the reason? The reason certainly is that the self-styled guardians of the depressed classes are interested in excluding these men from all share in the services. The few depressed class students who pass upper and lower primary Examinations after surmounting all obstacles are not given chances in the teaching staff with the result that no impetus is left for parents of these classes to send their children to school. Even purely depressed class schools are staffed by high-class Hindu teachers and they manage to discourage the students of these classes. Some District and Municipal Boards have appointed supervisors of the depressed class schools but in spite of the instructions of the Divisional Commissioners to appoint men of the depressed classes in these posts we find that these instructions are disobeyed on some pretext or another.

No member belonging to the depressed classes has so far been elected to any Municipal or District Board or to the Local Legislature with the result that Government has been compelled to nominate a member of these classes. But even these solitary nominated seats have been in many cases usurped by the high-class Hindus, the reason being that the Minister-in-charge of Local Self Government is either a high-class Hindu or if a Moslem he is under the influence of the other ministers and official and non-official members of the Legislature who are generally high-class Hindus.

I am decidedly of opinion that so long as the depressed classes are politically associated with high-class Hindus it would remain a mere pious

\* Not printed.



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[Continued.]

wish on the part of the Government and the Indian leaders to democratise the country. If you really desire to establish democracy, grant them separate electorates not only in the local bodies but also in the local and Central legislatures. Give them effective representation in the services maintained by the government and the local bodies, in the cabinet of the local and central legislatures, in the grants in aid of educational and other institutions, in the universities and in the secondary, primary and other types of schools maintained by the State.

Hitherto a member here and a member there has been nominated by the Government to represent the depressed classes in the local bodies. Local and central legislatures have each a nominated member of these classes. In the Council of State no representation has been given to the depressed classes. That this is not adequate representation is obvious. Moreover, there are disadvantages under which a nominated member labours. In the first place he is either a high-class Hindu or if a depressed class man he is generally a hanger-on of the high-class Hindus and does not voice the opinion of the depressed classes. He is a mere puppet in their hands. Secondly, if he is a right sort of man and works for the good of his class he is at once condemned as a government man.

The present method of election will not be suitable to the depressed classes seeing firstly, that they are economic, and social slaves of the high-class Hindus, and secondly, that most of them are too ignorant to realise the value of their votes. Therefore in their case only those persons should be enrolled as electors who have certain educational qualifications as well as those who may be nominated as electors by the organisations of the depressed classes. The number of electors will no doubt be limited but only such electors will choose the real representatives of the depressed classes.

Should for any reason election be not desirable the depressed classes must get as many nominated seats as they are numerically entitled to. Any less number will not give them effective representation.

There should also be at least one member belonging to the depressed classes in the ministry of the Local Government and in the Cabinets of the Provincial and Central Governments. Transferred departments are in charge of Ministers who if Hindus are as a rule high-class Hindus, it is only just and proper looking to the treatment meted out to the depressed classes, that one Minister should be recruited from the depressed classes. On the same ground there should be one member each in the Cabinets of the Provincial and Central Governments.

### Supplementary Memorandum submitted by Mr. RAMA CHARANA, B.A., LL.B.

In continuation of my memorandum on the subject of the "depressed classes," I beg to submit the following as a supplement thereto in view of the fact that I have not given the strength of the depressed classes of the United Provinces of Agra and Oudh in that memorandum.

The necessity of mentioning the numerical strength of the depressed classes becomes all the more important in view of the facts :—

(a) that all the estimates hitherto made are open to the common objection that they include untouchable classes only in spite of the admitted fact that in the United Provinces at least the extent of the depressed classes includes many touchable classes who are generally regarded as Sudras like the untouchables;

(b) that the United Provinces Government have always shrunk owing to "the extreme delicacy of official sentiment" from attempting even a rough estimate;

(c) that the Government of India have observed in their "Note on the Depressed Classes" prepared at the request of the Statutory Commission that "there has accordingly been no official definition of any castes or tribes of the community as depressed classes and the question whether or not any group of the community is socially depressed or treated as untouchable is a matter of local custom. If therefore the Commission desire to investigate the question whether any particular caste or tribe should or should not be described as 'depressed,' their enquiries would presumably be made in the provinces concerned";

(e) that the estimates in the Quinquennial Review of the Progress of Education, 1912-1917 are open to the objection that "we are left without precise information of the particular date on which Mr. Sharp relied when reaching a decision whether to include or to exclude any particular caste";

(f) that the estimates based on the Census Report, 1921, according to Mr. Marten "do not include (1) the full strength of the castes and tribes concerned and (2) the tribal aborigines more recently absorbed in Hinduism, many of whom are considered impure";

(g) Mr. Bajpai's figures were contested by Rao Bahadur M. C. Rajah, M.L.A. in a letter to the "Times of India," dated the 15th May, 1928; and

(d) that the Franchise Committee's estimates of 1919 are inaccurate due probably to the fact that the Committee "were not setting themselves to the task of reaching any authoritative total of what might be called the Depressed Class. They made a very rough division of Hindus into Brahmans, non-Brahmans and others."

I have stated above that the United Provinces Government have always shrunk from defining the extent of the "depressed classes." The reason is not far to seek. The word "depressed" does not literally mean untouchable but in course of time it has associated with it the idea of untouchability. It is because of this idea of untouchability in the term "depressed" that the Government shrink to call any castes "depressed." Many castes also who are undoubtedly depressed in the proper sense of the term do not like to call themselves depressed for the same reason. It is imperative that a suitable term acceptable to all concerned be coined. I would suggest that the term "Hindu backward classes" be adopted.

We all know what castes in these provinces are considered as depressed classes by "champions of these classes and by Government itself." It is in its original literal sense that the word has been used by the Government of these provinces. This Government has never used untouchability as the test of depression, and rightly too. In other words, political as opposed to social depression has been the test with the U. P. Government. If the Government were to adopt untouchability as the test many castes who though not untouchable but who are as depressed as untouchables, would not be covered by the term. What the Government wants to do is to give special protection to the classes who are politically backward either due to untouchability or any other causes. Political rather than social reform is the aim of us all.

Leaders like Mr. Jayakar, M.L.A., also used the term to include both touchables and untouchables as is apparent from his resolution in the Assembly to

the effect that special educational facilities be given to untouchables and *other depressed classes*.

The next question that arises is whether there are concrete instances in which this Government has actually acted upon its secret definition i.e., have regarded as "depressed classes" both touchable and untouchable classes, generally regarded as Sudras. To answer this question we shall have to refer to the nominations the Government has made from time to time from the depressed classes. Take the instance of the village Panchayats. I reproduce below the question which I put to the Government on the 20th June, 1927, in the Legislative Council and the reply of the Government given in its answer:—

Question No. 101—Will the Government be pleased to state the total number of Village Panchayats in the different districts of these provinces? How many *Panches* and *Sarpanches* out of these belong to the depressed classes in each Panchayat? Will the Government be pleased to give the names and castes of such depressed class *Panches* and *Sarpanches*.

The Honourable Nawab Mohammad Yusuf:—A statement (not printed in the proceedings) containing the information is laid on the honourable member's table.

It would appear that the statement was not printed in the proceedings of the Council because it is very big and unwieldy, containing 102 foolscap pages. It was put on my table and I will place it in original before the Commission at the proper time. I give below the principal castes of the different *panches* and *sar-panches* of the depressed classes mentioned in the statement. They are as follows arranged in alphabetical order according to the arrangement of castes given in Table XIII A and C, Part II, Vol. XVI, of the Census Report, 1921:—

(1) Ahir	(18) Faqir	(35) Kumhar
(2) Ahar	(19) Gadariya	(36) Kurmi
(3) Baghban	(20) Gond*	(37) Lodha
(4) Barai	(21) Gorla	(38) Lohar
(5) Barhai	(22) Gujar	(39) Luniya
(6) Bari	(23) Habura*	(40) Mali
(7) Bhangi*	(24) Halwai	(41) Mallah
(8) Bhar	(25) Kachi	(42) Murao
(9) Bharrbhunja	(26) Hill Depressed Classes	(43) Nai
(10) Bhoksha*	(27) Kahar	(44) Nat*
(11) Chamar	(28) Kalwar	(45) Pasi
(12) Darzi	(29) Kewat	(46) Saini
(13) Dhanuk	(30) Khatik	(47) Sainthwar
(14) Dhobi	(31) Kisan	(48) Sonar
(15) Dhunia	(32) Koeri	(49) Tamboli
(16) Dom	(33) Kol	(50) Teli
(Plains)*	(34) Kori	(51) Tharu*
(17) Dusadhi	(52) Thatthera	
	(53) Others	

I have not mentioned in the above list the names of sub-castes and minor castes entered in the Government statement as they are covered by one or other of the castes mentioned above or are covered by No. 53. The castes marked \* are not in the Government statement because no member of them has been admitted to any village Panchayat as their position in society is very low and some of them are gipsies and considered as criminal tribes. The Hill Depressed classes mentioned at No. 26 are not included in the Government statement because the Government have not nominated members of the hill depressed classes to any panchayat about which there is a just grievance and a point has actually been made by Munshi Hari Tamta, member, District and Municipal Boards Almora, and Chairman of the Kumaon Shilpkar Sabha (Union of Industrial workers) Almora, U. P. India, in Para. 4 of his memorandum submitted to the Commission.\*

Similar instances are found in the nominations made by Government to District and Municipal Boards and also to the Council, e.g., my question No. 90 put on the 4th March, 1927, in the Legislative

Council and its answer by Government reproduced below:—

Will the Government be pleased to state the castes of the depressed class nominated members shown in the statement of the said answer for 1924-25? (The answer referred to is starred question No. 1 of Khan Bahadur Hafiz Hidayat Husain of June 25, 1926, regarding the strength of the Hindu, Muslim, Indian Christian and Depressed class members of different local Boards, which is printed in Appendix A, pages 1 to 3, of the Representation of the Muslims of U. P. to the Commission.)

The Honourable Nawab Muhammad Yusuf:—Kumhar, Jatiya, Kachhi, Pasi, Teli, Chamar, Nai and Bhangi.

Of these 1, 3, 5 and 7 are touchable and the rest untouchable depressed classes.

As regards instances of the nominations to the Legislative Council the rule is that the Governor will nominate a member representative of the classes who in his opinion are depressed classes. Here again the rule has been framed in such language because of the delicacy of official sentiment. I am the present member of the Council and I belong to the Mallah caste which is touchable. Mr. Khem Chand who preceded me belongs to Jatiya, a sub-caste of Chamars.

Thus there is no doubt that the castes given above are depressed classes. None of these castes except Bhangies are strictly speaking untouchables. In these Provinces untouchability of the type obtaining in Madras is unknown. Here nobody considers himself polluted by the shadow of anybody nor even by touch except that of Bhangies. Here we have very little or no untouchability and that also is fast dying out. But the privilege of touch has nothing to do with political rights. Kahars have been touchables always but they are as backward politically and economically as are the Chamars. Then again the same caste which is touchable in one place is untouchable in another place. In the Kumaun division all castes except Brahmans, Thakurs and Baniyas are untouchables while most of these are touchables in the plains. In this connection the following remarks in the memorandum of Mr. Ram Prasad, Ahir, Pleader, Tuli Ram's Compound, Sultanpur, Oudh,\* are very important:—

"(1) The majority of the population of India is made up of Hindus which consist of various castes, which can easily be divided politically into two classes—the higher (i.e., those who wear sacred cord) and the lower (i.e., those who do not wear sacred cord) including Chamars and sweepers.

"(2) (a) Really speaking the Lower classes as defined in para. 1 above, have politically the same disabilities, as against the Higher Classes such as Ahirs, Gadaryas are labourers in the field just as a Chamar is: they are all subject to 'begar' the former are in this line put to more work than the latter, because they can touch and carry eatables and draw water for the higher classes.

"(b) It may be said that the Lower classes are made up of the middle classes and the Lower castes—amongst the former may be mentioned the Ahirs, Gadaryas, Kurmis, etc., and among the latter the Chamars, Sweepers, Dhobis, etc., but this classification is a thing of the past and cannot be made caste-wise now-a-days, for:

"Now the Brahmans and Kshattriyas have taken to agriculture leaving their own occupation—the major portion of the land in the villages is under their cultivation, the Lower classes have usually small holdings.

"The British Officers in the Civil and Military employ employed sweepers and Chamars as their bearers and 'Ayahs' and thus raised the status of many of their families.

"On the other hand Chamars have thriven by Hide work and many of them are amongst the first class rich families—such as in Cawnpore Rai Sanwal Dass family and others."

\* Vide pp. 353-4.

\* Vide p. 354.

## SUPPLEMENTARY MEMORANDUM SUBMITTED BY MR. RAMA CHARANA, B.A., LL.B. [Continued.]

These castes are considered depressed not only by Government but by the so-called untouchables and the so-called high class Hindus. Dr. Dhan Singh L.H.M.S. (Homeo), President, All India Jatno (a sect of Chamar, who are untouchables) and other Depressed Classes Association, Shalhanj, Agra, in his memorandum to the Commission at page 4 remarks:—

"As a matter of fact there does not appear to be any earthly reason why 60 per cent. of the total Hindu population will allow themselves to be ill-treated by 40 per cent. caste Hindus." The 60 per cent. Depressed Classes referred to in the above observation are composed of as follows according to Census of 1921:—

Touchable Depressed classes, e.g.,	
Tamohies, Kachhies and Kahars, etc.	13,973,188
Untouchable Depressed classes, e.g.,	
Doms, Bhangies, etc. ... ..	14,693,816
	28,667,004

Raja Bahadur Kushal Pal Singh, M.A., LL.B., M.L.C., Minister for Education, and member, U. P. Simon Committee speaks exactly of the same percentage 60 in his memorandum at page 12 to the Statutory Commission.

It will thus be seen that both touchable and untouchable castes mentioned above have been considered as depressed classes in these provinces both by champions of these classes and also by Government itself and census authorities.

The enumeration of castes given by U. P. Government published at page 5 of the Note on Depressed classes submitted by the Government of India\* is admittedly a list of untouchable depressed classes only vide page 2 of the note. Secondly it does not exhaust all the castes that are considered untouchable in these provinces, e.g., Pasi Dusadh, Habura, Gond, Kol, Nat, etc., have been omitted.

I have said in my previous memorandum that the depressed classes are regarded as Sudras by the so-called high class Hindus, but as a matter of fact they are the descendants of the aborigines of India who had a civilization of their own. All the castes which make up the Sudra class have certain customs which are common to them all, but they have nothing in common with the high class Hindus.

The custom of widow re-marriage, the Panchayat system and worship of family gods is common to all the so-called Sudras but is not found among the high classes. Widow re-marriage is actually prohibited by the religious books of Hindus. It is true that a few men of some of these castes have recently started Sabhas and claim to be Kshatriyas, Vaishyas and even Brahmans, e.g., some Jatiya Chamars have started their Sabha under the name of Jatava Maha Sabha and claim to be Kshatriyas. Some members of Nai (barber) caste claim to be Brahmans. Some Telis and Bhurjis claim to be Vaishyas. But these claims have never been accepted by the high class Hindus. Only recently at Rajapur in the district of Banda some Kalwars who claim to be Kshatriyas had put on sacred thread in obedience to a resolution of their Maha Sabha. They were subjected to various sorts of indignities by the high class Hindus, a report of which appeared in several newspapers. I myself had put certain questions about it in Council but they were disallowed on technical grounds. In this connection the remarks of Mr. Ram Prasad Ahir, Pleader, of Sultanpur (Oudh) are pertinent and are quoted below:—

"(2)—(c) All the castes which make up the lower classes, as defined in para. 1 above have certain customs (social and religious), which are common to them all, but they have nothing in common with the higher classes.

"These are as under:—

"(a) All these castes (e.g., those who do not wear the sacred cord) drink wine. I mean by

\* Vide Vol. V., p. 1345.

usage there is no prohibition and consequently no fear of being out-casted like the Higher castes. It is quite a different matter that some personally for some reason or other may not drink.

(b) "Remarriage (widow) is allowed.

(c) "There are caste Panchayats.

(d) "Twice at harvest season each of these castes worship their family gods which is mostly common to each. At this worship no Brahman can preside and the gods worshipped find no place in the Brahmanical dictionary.

"The question then arises why others are regarded (socially) to be a little better than the other. The reason is not far to seek—and it is that the former have placed themselves a little under the Brahman influence the latter did not yield to Brahmanical pressure—the former invite Brahmans to solemnise marriages, the latter perform marriages by themselves.

"All these settle their matrimonial and social disputes by themselves by their caste 'Panchayats' and a Brahman has no hand in it. Supposing a Ahir Panchayat admitted a Chamar into his brotherhood, all that a Brahman or with him the higher castes now can do is that they may refrain from drinking water touched by the Ahirs, and the Brahman may refuse to solemnise marriages, none of which would be of any consequence whatsoever, for that is the case with Mohammedans and others as well.

"It is true that some selfish persons instigated by the like of the higher class, have started Sabhas wherein some of these castes claim to be 'Kshatriyas.' To make claim on religious grounds is one thing, the present worth, the present position as acknowledged by the rest of the population is another and is what has to be taken into consideration.

"It is clearly to the advantage of higher classes that when the question of entry into Legislature comes they may tell that some of these castes are 'Kshatriyas' because in that way they would be able to go there to the entire exclusion of these castes who are far inferior to them in education, money and other requisites, and cannot compete with them, and thus they would succeed in keeping these castes behind as before.

"If these castes were acknowledged to be Kshatriyas, the Kshatriya Sabha would have absorbed their Sabha, and they would exist no more. On the contrary in the Kshatriya Sabha, no Ahir, Gadariya, Kurmi or any member of the Lower class was ever invited. There is a proverb running:—

"Ahir, Gadaria, Pasi"

"Tinin Satya Nasi."

meaning Ahir, Gadariya, Pasi, all the three are the destroyers of the truth.

"Those who do not wear the sacred cord are enjoined not to read the Vedas and are classed as 'Sudras.' There is a proverb running:—

"Gagri Dana"

"Sud Utana"

"As soon as a Sudra has a goblet full of corn he becomes proud, that is to say, he must be constantly kept to live from hand to mouth (lest he might go on strike).

"Born and brought up with these ideas, how can the higher classes have any sympathy with the lower classes?

"It would be worth while to enquire what treatment is meted out to these castes by the higher classes:—

"(a) In villages.

"(b) By the higher class men, who alone occupy the public offices when they deal with the lower class men in their official capacity.

"(c) In how many cases when redress is sought by the Lower classes against a Higher class man, the case never comes to court at all, owing to undue pressure of the higher classes."

## SUPPLEMENTARY MEMORANDUM SUBMITTED BY MR. RAMA CHARANA, B.A., LL.B. [Continued.]

I have said in my previous Memorandum that the root cause of the degradations of the depressed classes is not due to any inherent defect in them. They are as strong in intellect as the high class Hindus and the Muslims are. Very little or no opportunity of education has been given to these classes, yet I can point out scores of graduates and at least about two dozen lawyers. It is an indication of ignorance or even selfishness on the part of those who say that they are not strong in intellect. Even in British Raj the depressed classes have been given very little opportunities for education and the high class Hindus have not failed to discourage their education whenever and wherever they can. I quote below the remarks of Rai Sahib Pandit Sukhdeo Tewari, B.A., a member of the Educational Services of these Provinces and a gentleman of the Brahman class. The remarks quoted below were made by him as a member of the Committee appointed by the United Provinces Government to inquire into and report on the state of primary education of boys of the Muslim community and of educationally backward communities in the United Provinces:—

"As the development of education in any country depends on its special circumstances such as old tradition, public opinion, etc., education both in rural and urban areas here was confined amongst the literary classes only. The backward communities were allowed to remain in ignorance as they were before ..... The high class and literate Hindu communities, particularly the Zamindars, discouraged the backward classes to educate their boys as they did not like the latter to become more learned and question their authority over them. The teachers who happened to belong to literate communities did not admit boys of untouchable classes for one reason or another. Only a few boys of Kahars, Ahirs, Nais, etc., were taken in to serve them as menial servants."

Add to this the instance from the Government Report on Public Instruction in the United Provinces for the year ending 31st March, 1926, page 41, mentioned in my previous Memorandum, showing that even District and Municipal Boards, who are charged with the duty of diffusion of education among depressed classes, discourage the same. There is another instance of a member of the Legislative Council publicly ridiculing the attempt of the nominated depressed class representative to get a resolution passed through the Council recommending the grant of certain scholarships for the children of the depressed classes. He considers the imparting of education to depressed classes as objectionable as it is to put on foot leather dress on head and the head dress on foot.

Therefore the charge of weakness of intellect in the depressed classes is unfounded. They have not been given opportunities of developing their intellect.

It has been suggested by some that depressed classes are a disorganized body. Cohesion is wanting in them. No one man can represent their views. To such criticism my answer is that this ground is directed against suitability of democracy itself to Hindus in general. Hinduism is only another name of communalism. A Brahman cares for a Brahman, a Kshatriya for a Kshatriya and a Bania for a Bania. Nepotism is the rule with Hindus. Sangathan movement is a proclamation of want of homogeneity among the Hindus.

Then it is said that depressed classes will be in the hands of Swaraj-cum-Nationalist party if they are given separate electorates. My humble submission is that the depressed classes want their separation from Hindus, who are mainly responsible for suppression of these classes even according to the Nehru Committee it is unreasonable to suppose that they will side with Swaraj and Nationalist parties which are composed mainly of high class Hindus.

STATEMENT SHOWING THE POPULATION OF THE DEPRESSED CLASSES IN THE UNITED PROVINCES (BRITISH TERRITORY) ACCORDING TO THE CENSUS OF 1921, VOL. XVI, PART II, TABLE XIII A. AND C.

I.—DEPRESSED CLASSES  
(TOUCHABLES AND UNTOUCHABLES).

(a) Brahmanic Hindus.

No.	Castes.	Total.
1.	Ahar ... ..	308,930
2.	Ahir ... ..	3,647,022
3.	Baghban ... ..	114,480
4.	Barai ... ..	141,230
5.	Barhai ... ..	458,730
6.	Bari ... ..	55,218
7.	Bhangi* ... ..	343,245
8.	Bhar* ... ..	419,413
9.	Bharbhunja ... ..	263,844
10.	Bhoksha* ... ..	7,490
11.	Chamar* ... ..	5,749,971
12.	Darzi* ... ..	73,273
13.	Hill Depressed Classes* ... ..	231,547
14.	Dhanuk* ... ..	122,721
15.	Dhobi* ... ..	602,394
16.	Dhumia* ... ..	22,437
17.	Dom (Plains)* ... ..	14,082
18.	Dusadh* ... ..	72,860
19.	Faqir ... ..	104,792
20.	Gadariya ... ..	924,088
21.	Gond* ... ..	105,887
22.	Goria ... ..	80,825
23.	Gujar ... ..	267,095
24.	Habura* ... ..	1,509
25.	Kachhi ... ..	679,000
26.	Kurmi ... ..	1,726,632
27.	Kahar ... ..	1,064,618
28.	Kewat ... ..	464,655
29.	Khatik* ... ..	175,992
30.	Kisan ... ..	316,785
31.	Koeri ... ..	433,077
32.	Kol* ... ..	68,211
33.	Kori* ... ..	789,513
34.	Kumhar ... ..	689,422
35.	Kalwar ... ..	264,373
36.	Lodha ... ..	1,012,492
37.	Lohar ... ..	478,942
38.	Luniya ... ..	417,981
39.	Mali ... ..	184,036
40.	Mallah ... ..	211,422
41.	Murno ... ..	598,805
42.	Nai ... ..	621,664
43.	Nat* ... ..	40,014
44.	Pasi* ... ..	1,320,506
45.	Saini ... ..	57,908
46.	Sainthwar ... ..	123,424
47.	Sonar ... ..	248,521
48.	Tamboli ... ..	62,679
49.	Teli ... ..	703,690
50.	Tharu* ... ..	28,930
51.	Thathera ... ..	17,217
52.	Others* ... ..	1,965,523
TOTAL ...		29,016,893

(b) Arya Hindus.

No.	Castes.	Total.
1.	Chamar ... ..	6,398
2.	Others ... ..	81,974
TOTAL ...		88,372
GRAND TOTAL ...		29,105,265

## MEMORANDUM SUBMITTED BY THE ALL INDIA SHRI JATAV MAHASABHA.

## II.—HIGH CLASSES.

## (a) Brahmanic Hindus.

No.	Castes.	Total.
1.	Agarwal ... ..	301,105
2.	Agrahri ... ..	78,170
3.	Bhat ... ..	70,465
4.	Bhuinhar ... ..	187,184
5.	Brahman ... ..	4,343,786
6.	Goshain ... ..	108,132
7.	Halwai ... ..	51,999
8.	Jat ... ..	686,889
9.	Kayasth ... ..	442,950
10.	{ Rajput ... ..	3,051,521
	{ Thakur ... ..	
	{ Kshattriya... ..	
11.	Taga ... ..	94,530
TOTAL ...		9,415,731

## (b) Arya Hindus.

No.	Castes.	Total.
1.	Brahman ... ..	25,668
2.	Jat ... ..	29,378
3.	Rajput ... ..	39,927
4.	Vaish ... ..	22,228
TOTAL ...		117,201
GRAND TOTAL ...		9,532,932

RAMA CHARANA, B.A., LL.B.,  
Advocate M.L.C., Member of  
the Committee of the U.P.  
Legislative Council, to work  
in joint Conference with the  
Indian Statutory Commis-  
sion.

## Memorandum submitted by the ALL INDIA SHRI JATAV MAHASABHA.

The problem of the representation of the depressed classes is one of vital importance and requires to be attended to very thoroughly without any further delay. It is of paramount importance that the term "depressed classes" be defined and the meaning of the expression be fixed once for all. The vagueness of the expression has been most prejudicial to the interests of the classes who ought really to have been covered by it and the efforts to ameliorate their condition by allotting seats to them in the District and Municipal Boards were neutralised by the specious claims of other communities to be included among them on the score of their backwardness in education. The Mahomedans, for instance, would like to have their full share as a separate community and yet take a share out of the small slice of rights given to the depressed classes. All India Shri Jatav Mahasabha which is an association of the Jatav community—otherwise known as Chamars—urges the necessity of confining the use of the term to such classes among the Hindus from whose hands the upper classes of Hindus would not take anything to eat or drink.

Our Mahasabha is fully alive to the fact that there can be no advancement so long as there is no real improvement in the political status of a community. Much of the degraded condition of the depressed classes would disappear as soon as the Government would improve their political status—a fact which would favourably affect their social, intellectual and economic condition. It is idle to attribute the depression of the depressed classes to the religious and social system of the Hindus. If Government were to improve their political status by giving them honorary offices, adequate representation on local bodies and legislatures and in public services, commensurate with their numerical strength, their social position would automatically improve and social injustice would become a thing of the past. For the social position of the depressed classes would rise *pari passu* with the rise in their economic condition—a thing which is inconceivable in the case of any community without an advancement in its political status. It is not enough for Government to make them equal in the eye of law or to give them equal opportunities with caste Hindus, Muslims or Christians. It is the duty of the Government to place them in such a position as would enable them to avail themselves of these opportunities. In order to bring about the above result our Mahasabha would place before you the following recommendations in the hope that they would be adopted by you in your report to be submitted to His Imperial Majesty in the near future.

1. It is absolutely necessary that seats in every Council and Assembly, in every Municipal and District Board, and in every Town and Notified Area should be reserved for the depressed classes in proportion to their numerical strength.

That it appears from the Census report of 1911 that the community of Jatavs, more generally known as Chamars, is regarded as a depressed class and that it is numerically the most important among the depressed classes.

That out of a total non-Muslim population of 33 millions of these provinces the depressed classes roughly claim 9 millions and of these again Chamars alone number more than 6 millions.

Our Mahasabha is not very keen about the method of filling up those seats so long as they can be certain of those seats—though it undoubtedly realises the necessity for giving them some training in the elective system. We leave it to you to judge for yourselves as to whether there was any connection between the system of separate electorates and the present communal unrest in India, and in the light of that opinion to decide whether it would be to the advantage of the depressed classes to have a separate electorate for themselves.

2. Our Mahasabha strongly recommends the necessity for giving Honorary Magistracies, Munsifships and other superior posts—honorary and stipendiary—to the depressed classes just as they are given to the other communities in India. We do not know if you are aware that there is not a single magistrate or judge, a single civil, military or police officer from among the truly depressed classes in the whole length and breadth of India. It is impossible for the depressed classes to make any advance so long as the inactivity of the Government resulting in their non-recruitment in any of the superior grades of service or office allows the people at large to think of them as degraded, depressed and incompetent. So, it is absolutely necessary that recruitment from among the depressed classes be made in all the public services of the land including the Army, the Police, and the Executive.

3. The growth of education is a factor which you are going seriously to consider while making recommendations for the future. Our Mahasabha is fully alive to the value of education and regrets that it cannot give a good account of the depressed classes owing to the various handicaps under which they have been working for generations together. It is most unfortunate that communities who form numerically a majority of the Hindu population and count themselves by tens of millions should have been in such colossal ignorance even after the most benign rule of the British Government for over a century and a half owing to the grants for education being generally utilised for other communities, who are more powerful and favourably situated. Our Mahasabha submits that ample and special provision be made for the education of the depressed classes, that free education—primary, secondary, and high—be provided for them, and that an additional impetus be

## MEMORANDUM SUBMITTED BY MUNSHI HARI TAMTA.

given to it by providing special scholarships for them

The above are the points to which our Mahasabha begs to invite your attention inasmuch as they fall clearly within the scope of your enquiry. There are, however, many other important things to which the Mahasabha has been drawing the attention of the Indian Government and to some of which our Mahasabha would like to make a passing reference in the course of this Memorandum of theirs.

(a) The Mahasabha requested the Government to pass laws declaring the right of the depressed classes in general to the use of common and public wells, tanks, etc.

(b) The Mahasabha requested the Government to appoint a committee for enquiring into the hardships to which the depressed classes are subjected at the hands of the upper classes in the rural areas by being forced to do "Begar" and to submit to other iniquities.

Our Mahasabha would request your commission to direct the Indian Government, if possible, with reference to the matters mentioned above.

In conclusion our Mahasabha hopes to deal more fully with the aforesaid matter through their representatives in the course of their evidence before the commission as also before the Indian Committees, if and when they are appointed.

### Memorandum submitted by MUNSHI HARI TAMTA, Member District Board and Municipal Board, Almora, and Chairman of the Kumaon Shikar Sabha (Union of Industrial Workers), Almora, United Provinces, India.

As representing the union of Industrial workers in the Almora district of the province of Kumaon, who number some 130,000, I beg to bring to the notice of the Commission certain facts regarding the community for which I speak, and to submit with great respect some demands and requirements that we feel to be matters of simple justice and expediency with regard to our claims and rights as loyal subjects of the King-Emperor.

1. We welcome with cordial goodwill and earnest hopes the Commission and its members trusting that it will set right many ancient wrongs that have long afflicted the depressed classes who have been for so many centuries treated as outcast, "untouchable" and less than human, indeed as mere slaves and chattels, by the superior caste. As a community we have one and all joined in welcoming the coming of the commission to this country, and have not joined in any "boycott" of the same.

2. While disclaiming any feelings of hatred or active enmity towards other classes, we would point out briefly that, as an historical fact, the community to which we belong represents the aborigines of India who were conquered and enslaved in early times, and in the ancient writings are spoken of with contempt and opprobrium as "Disgris" (conquered people) and "Nishadas" (unconquered wild tribes) and comprehensively as "Shudras" or inferior people. The scorn which is reflected in those scriptures has been our lot through all the ages and we have become only too well accustomed to be treated with spite and contempt, while at the same time made to bear the burden of every menial and toilsome labour at the mercy of our masters and employers the members of the superior castes. Books of modern historians impress us that as a people we once lived free and untrammelled with civilisations of our own, which in some cases were learnt and borrowed by the conquerors, who in course of time reduced us to a state of slavery and weakness from which we have never been permitted to rise. Our lot has been to a great extent like that of Pasis, Pariahs and Pan-chamas, Maharas, Chamars, etc., of the rest of India, though in this hill province we have laboured under some special disabilities which I will endeavour to point out for your kind consideration.

3. The population of the Kumaon province, of which the Almora district forms a part, consists of three main classes, the Brahmans, Rajputs and the artisans and labourers to whom the name "Dom" has up to the present time been usually given. (It may be mentioned that by an order of the United Provinces Government in last year this opprobrious name is no longer to be applied to us in any public document.). There are in addition some Mohammedans, numbering not much more than a thousand of the three classes mentioned above, the first two, namely, the Brahmans and Rajputs (a general name applied to farmers in Northern India without reference

to race) were immigrants from the plains, who gradually dispossessed the original inhabitants and reduced them to a servile condition. We have no desire to embarrass the Government by excessive claims, but your petitioners humbly desire to maintain their rights to that ordinary justice and humane consideration on the part of the superior castes, which are nowadays extended to all classes of the people in modern states but which are in many ways denied to the members of our depressed community by custom and practice which require to be modified in several directions. We beg to point out that the artisan class to which we belong in this province are in the peculiar position of being considered outcaste or "untouchable" while in other parts of India the members of our class such as masons, carpenters, blacksmith, workers in copper and farm labourers enjoy a better status and public esteem. It seems hard that useful workers of every kind should thus be included in one low and despised class of "Doms." We cannot, of course, expect Government at one stroke to remove social stigmas of this kind, which are of ancient local origin, but we hope to be relieved of invidious burdens and tyrannies which have no foundation in law, and to have our share of ordinary advantages such as those of Education, in proportion to our numbers and general usefulness.

4. We also beg to point out that, partly as a result of this general outcasting of the artisans class in this province, the whole community forms a remarkably united body as is shown by their unanimity in making the present appeal, in contrast with the position in other parts of the country, where each craft is more or less isolated from others.

5. As examples of the treatment of which we complain the following may be mentioned:—

(a) The Panchayat system recently established was no doubt intended to secure the ends of justice and fairness, but actually has resulted in hardship to the unprivileged classes. The members of the "Punch" are always men of higher castes—we know of only one case of a "shilpkar" member of a panchayat. The treatment we receive from those bodies is often most unfavourable. Claims are made against us regarding old debts and the like, which are often decided against us without proof. Fines are often imposed for various inadequate reasons, and we have no redress, although the system of "Begar" or forced labour has been abandoned by Govt. in these hills yet unpaid labour is often exacted from us by the superior castes. When disease has occurred disinfection is often carried out by the simple plan of burning houses or driving the family concerned out of the village. In many places we suffer greatly from not being allowed access to wells. The majority of our people have to live in hovels on the outskirts of the villages and as they are landless, even the hovels in which they live are built on land which does not belong to them. The agricultural labourers can get work only at sowing and harvesting seasons, and

## MEMORANDUM SUBMITTED BY MR. RAM PRASAD AHIR.

with regard to others, such as carpenters, masons and smiths, the work is irregular and the wages generally insufficient to support the families. Most of the people are in a half-starved and semi-naked condition, in a tract of country which has severe winter seasons. Much has been done of late by the Government to remove grievances connected with the forests and the supplies of fodder and fuel, but we are sorry to say that the existing rules make it impossible for members of the depressed classes to gain any advantage from the new arrangement. We are kept in a state of abject subjection by having to depend solely upon the high-caste Hindus for food and shelter. We are always liable to be turned out of our homes by the ground landlords. There are many compulsory duties which we have to perform on occasion of marriages, funerals, etc. of the higher castes and fines and dues are taken from us on many pretences which it would be tedious to relate.

(b) Another cause of dissatisfaction is the inadequate provision for the education of our children. It is true that a beginning has been made by the District Boards, but it is quite insufficient for our members and requirements. There are at present 2,005 scholars from our community in primary schools under the Almora District Board. Twelve depressed class schools have been started at an annual cost of Rs. 5000/- only eleven of our children receive scholarships. No lad of our community has ever graduated or even passed the Entrance or High School standard though one is now studying at Almora in class XI. We need a large extension of educational advantages, increase of special schools (if the caste people continue to debar us from the ordinary schools) and more encouragement in the way of scholarships and in general, due opportunity for our children to gain the necessary equipment for being useful workmen to form an intelligent electorate and for boys of superior ability to better their position.

(c) It has to be further pointed out that none of our community are now able to hold land in their own right. Some are Sirtans cultivating ground, which they took over from their forefathers or others, and paying the ground rent for the same, but having no rights securing occupation. We understand that, elsewhere, twelve years of occupation is held to confer permanent right, and if such a rule were introduced here it would be felt as a great boon by our people. If grants of "Nayabad" land could be made to us

in proportion to our members it would also be a great advantage.

(d) We would humbly remind the Government of the part played by our community in the recent war when large numbers of our men were enlisted in labour corps and we believe rendered valuable assistance in the operations. It would be a great help to our community if some of them could find a useful sphere of work in permanent body of the kind as part of the Indian army and Defence forces.

(e) Again, we venture to remind the Commission that without proper representation we cannot hope to make known our claims and enjoy our rights. We of the hill province of Kumaon and Garhwal require a representative in the Legislative Council to attend the interests of our community which number altogether about three lacs. We also need to be represented on District Boards and other committees in proportion to our numbers, as unfortunately experience has taught us that we cannot look to the member elected from the higher castes for the understanding and sympathy that we need.

I would now ask permission to put into brief form our various requests.

(1) Special representation by election on the Legislative Council, District Boards and other public bodies.

(2) If the plan commends itself to the authorities a special Commissioner to guard the interests of the Depressed classes as in Bombay might be appointed for our province.

(3) Increased provision of schools, and scholarships for the depressed classes.

(4) Grants of Nayabad land to be sanctioned for applicants from these classes, and rules for reasonable security of tenure on the land.

(5) Abolition by law of all oppressive dues, fines and compulsory services demanded by the higher castes from members of the depressed class.

(6) The formation of a local company of sappers and miners drawn from this community for general military service, or failing that, permission to enter the army and serve in suitable capacities.

In conclusion we your humble petitioners beg to assure the Royal Commission of our unswerving loyalty to the Government of the King-Emperor and to pray for a divine blessing on your present labour.

### Memorandum submitted by Mr. RAM PRASAD AHIR, Pleader, Sultanpur.

I beg to make the following representation with respect to the inquiry to be made by the Simon Commission for consideration :—

(1) The majority of the population of India is made up of Hindus, which consists of various Castes, which can easily be divided politically into two Classes—the Higher (i.e., those who wear sacred cord) and the Lower (i.e., those who do not wear sacred cord) including Chamárs and sweepers.

(2) (a) Really speaking the Lower classes as defined in para. 1 above, have politically the same disabilities, as against the Higher classes : such as Ahirs, Gadariyas are labourers in the field, just as a Chamár is : they are all subject to "Begar"; the former are in this line put to more work than the latter, because they can touch and carry eatables and draw water for the higher classes.

(b) It may be said that the Lower classes are made up of the middle classes and the Lower castes—Amongst the former may be mentioned the Ahirs, Gadariyas, Kurmis, etc. and amongst the latter the Chamárs, Sweepers, Dhibis, etc., but this classification is the thing of the past and cannot be made castewise now-a-days; for,

Now the Brahmans and Kahtreyas have taken to agriculture leaving their own occupation—the major portion of the land in the villages is under their cultivation, the Lower classes have usually small holdings.

The British Officers in the Civil and Military employ employed sweepers and Chamárs as their bearers and "Ayahs" and thus raised the status of many of their families.

On the other hand, Chamárs have thriven by hide work and many of them are amongst the first class rich families—such as in Cawnpore, Rai Sanwal Dass family and others.

(c) All the castes which make up the lower classes, as defined in para. 1 above, have certain customs (social and religious), which are common to them all, but they have nothing in common with the higher classes. These are as under :—

(a) All these castes (e.g., those who do not wear the sacred cord) drink wine—I mean by usage there is no prohibition and consequently no fear of being outcasted like the Higher Castes. It is quite a different matter that some personally for some reason or other may not drink.

(b) Re-marriage is allowed.



## MEMORANDUM SUBMITTED BY THE KAHAR SUDHARAK MAHA SABHA.

(c) There are castes Panchayets.

(d) Twice in every year at harvest season each of these castes worship their family god, which is mostly common to each. At this worship no Brahman can preside and the gods worshipped find no place in the Brahmanical dictionary.

The question then arises why others are regarded to be a little better than the untouchables. The answer is not far to seek—and it is that the former have placed themselves a little under the Brahman influence to Brahmanical pressure—the former invite Brahmans to solemnise marriages, the latter perform marriages by themselves.

All of these settle their matrimonial and social disputes by themselves by their caste "Panchayats" and a Brahman has no hand in it. Supposing a Ahir Panchayat admitted a Chamār into his brotherhood, all that a Brahman or with him the higher caste men can do is that they may refrain from drinking water touched by the Ahirs and the Brahman may refuse to solemnise marriages, none of which would be of any consequence whatsoever, for that is the case with Mdus and Xus as well.

(3) It is true that some selfish persons instigated by the like of the higher class have started Sabhas where some of these castes claim to be "Kshatriyas." To make claim on religious grounds is one thing, the present worth, the practical position as acknowledged by the rest of the population is another and is what has to be taken into consideration.

It is clearly to the advantage of higher classes that when the question of entry into the Legislatures comes, they may tell that some of these castes are "Kshatriyas" because in that way they would be able to go there to the entire exclusion of those castes who are far inferior to them, in education, money and other requisites and cannot compete with them, and thus they would succeed in keeping these castes behind as before.

If these castes were acknowledged to be Kshatriyas, the Kshatraya Sabha would have absorbed their Sabhas and they would exist no more. On the contrary in the Kshatriya Sabha, no Ahir Gadariya, Kurmi or any member of the Lower class was ever invited. There is a proverb running:—

"Ahir, Gadariya, Pasi"  
"Tinin Satya Nasi."

meaning Ahir, Gadadiya, Pasi, all the three are the destroyers of the truth.

Those who do not wear the sacred cord are enjoined not to read the "Vedas" and are classed as "Sudras."

There is a proverb running:—

"Gagri Dana"  
Sud Utana."

### Memorandum submitted by THE KAHAR SUDHARAK MAHA SABHA. Cawnpore.

This Memorandum is submitted by the Kahar Sudharak Maha Sabha which represents the communities known as Mallah, Batham, Bot, Bhoi, Dhiwar, Dhuriya, Dutia, Guriya, Gond, Gharuk, Jaiswal, Khairwal, Raikwal, Mahur, Rawani and Turah. This Sabha has its branches not only in different districts of these Provinces but it has its organizations as well in Central Provinces and Berar, Bihar and Orissa, Bengal and Bombay Presidencies and the Punjab. It is fully representative of so many souls of these Provinces as 28,57,650.

We came from the original people of India. We have been described in the Vedas as the fifth Varna the Nishadas or Panchamas. We may not be understood to mean that we are the only descendants of the aborigines of India but we believe that we are part and parcel of the 60 per cent of the population of Hindu in these Provinces recorded as Sudras by the so-called high class Hindus.

As soon as a Sudra has a goblet full of corn he becomes proud, that is to say, he must be constantly kept to live from hand to mouth (lest he might go on strike).

Born and brought up with these ideas, how can the higher classes have any sympathy with the lower classes.

(4) The self-elected Congressmen who claim to represent us, often accuse the British Government for doing nothing towards the uplift of the teeming millions of India. I submit what have the higher classes done for them? They opposed the education off and on and when the Education Bill was introduced there was some opposition.

Have any of the Higher class men ever opened a school for the Lower classes, or provided for scholarship for these castes during all the time that they have been with us?

The British Government has certainly done a lot to these castes. A Barber in Calcutta is man of high status and a free citizen whereas a Barber in a village is a poor slave with no liberty.

Similarly a Dairyman in Calcutta is a higher standard gentleman as against the cowherdman of a Higher class Zamindar or Taluqdar or the poor milkman of the village.

The Railways introduced by the British Government, their waterworks, the Municipal and District Board and the Law Courts are imparting daily lessons to the ignorant masses and teaching them the idea of equality of the various caste-men.

It would be worth while to inquire what treatment is meted out to these castes by the higher classes (a) in villages (b) by the higher classmen who alone occupy the public affairs when they deal with the Lower class man in their official capacity.

(c) In how many cases when redress is brought by the Lower classes against a Higher Classman, the Case never comes to court at all, owing to undue pressure of the higher classes.

(5) The present system of electing a representative for the Legislatures does not at all represent all interests. There is the Taluqdar or Zamindar who by custom wields a considerable influence over the Lower classes who are generally poor and are at the mercy of their Landlord. They dare not vote against his will. If they did their cattle would be impounded, their holding gone, sooner or later, according as they happened to, or not understand the new Act and their houses dislocated.

I submit these castes together should have reserved seats in the Legislatures in proportion to their population and these should be filled in by nomination by the Government or the higher classes or set up some one best suited for their purposes and would help him through.

As is the custom with every invader when they conquered our forefathers many years ago, they reduced most of us to veritable slaves. Our position was like the serfs of Europe. We were not free. We could own no property. "Siri Shudra na Adhikar" should not be educated by force. Our forefathers were too powerful and we were in a state of anarchy and therefore we were invaded by a strong invader. They made a strong empire of India at the present time. The British Government has set up some one best suited for their purposes and would help him through.



## MEMORANDUM SUBMITTED BY THE KAHAR SUDHAKAR MAHA SAMHA.

(Continued.)

with him. Those of our ancestors who were subdued were reduced to slavery and included in the fourth class known as the Shudra class.

The policy of the "divide and rule" was applied to such an extent that we find to-day numerous castes and sub-castes which go to compose the Shudra class.

Kahar, Kurmi, Kachhi, Ahir, Gadariya, Nai, Bari, Kalwar, Kori, Chamâr, Tel Tamedi, Dhoja, Dhanul etc., are principal castes into which we were divided and were taught to hate each other as if we were not of the same stock. For if the Aryans had not done so they stood in constant fear of being turned out of India.

Our condition remained unchanged till the advent of Muslims in India during whose rule at least one caste of us, namely, Kayastha, had the wish of gaining the favour of the Muslim rulers with the result that they acquired education in Urdu, Persian and Arabic. Even to this day the majority of Kayasthas are more learned in Urdu, Persian and Arabic than in any other Indian language, only because they being Shudras according to the Aryans could not read and write Hindi and Sanskrit.

But to our great misfortune the Muslims also made their alliance with the so-called high class Hindus and neglected us badly. Not only this but they also treated us in almost the same manner as our Aryan superiors did.

With the advent of the British Raj in India, it is to the credit of the Britishers that we were given a legal opportunity so far as the "eye of the law" is concerned. But the Britishers either deliberately or through their ignorance little thought that a high class Hindu in whose hands the whole of the machinery of Government has been put will use it as a means to enforce their own constitution embodied in the

Manusmriti and other religious books of the Hindus and the result is before our eyes to-day. Not a single man has ever been returned even to a local body, much less in legislatures. We are absolutely debarred from public services.

Till only about 10 years ago the British Government did not raise its little finger to see that we were subjected to the rigours of the Brahmanic Laws, in fact, and that their own laws were disregarded with impunity. All the high public services of the country are the monopolies of the so-called high class Hindus and Muslims.

The department of education and of law and order being in the hands of the so-called high class Hindus, they have been in a position to govern us according to their own laws. We could not make our voices felt before the Government as in the first place we were too ignorant to do so and in the second place our representation could not be made direct to the British element of the Government and even if our cries reached the British officials they turned a deaf ear to them. The reason is obvious. Every conqueror and the Britishers are not an exception—care more for the stability of his Government than for the uplift of his subjects. So long as his Government is safe, he does not care if majority of their subjects are depressed and oppressed. The Britishers, like the Muslims, made their unholy alliance with the so-called high class Hindus and let us Shudras remain where we were.

In course of time, with the advancement of education among the so-called high class Hindus and the Muslims, a sense of foreign domination developed in them and to-day we find even the Indian Statutory Commission being boycotted by the so-called high class Hindus. The Britishers losing every hope of support from their favourites the so-called high class Hindus and the Muslims now turned their attention towards the Shudras (depressed classes) and so it is that we find the education in these classes received any attention only about 10 years ago. We may not be misunderstood by the above narration of facts. We

do not mean any disloyalty to the British Government in whom we have always placed our implicit faith for our regeneration and advancement in every sphere of life.

There is a proverb in India, that, if a wicked man realises his mistake before it is too late, he should not be called wicked.

The Britishers ought to have realised earlier that we being the real children of the soil ought to have become the object of their attention in preference to any other class and for this gigantic mistake, the so-called high class Hindus are responsible.

When about 50 years ago some of our community (the so-called Shudras) began to make a beginning in education there came a Braman, with his new Gospel of "Guna, Karma and Swabhava" (merit, action and nature) and wanted to perpetuate the Brahmanic institution of slavery of the Shudras forged by their ancestors in a cleverly disguised fashion.

To-day organisations going in the name of "Achhutodhar and Dalitodhar" sabhas are a camouflage. Their aims and objects are the removal of untouchability only, but the privilege of touch will not any more improve us than untouchability will degrade the Muslims. Whether the Shudras are touchables or untouchables is of no consequence so far as political regeneration is concerned.

We, the Kahars, have always all along been touchables but our social and economical condition is worse than the Chamaras, who are untouchables. It may be borne in mind at this stage that there is no parallel in these Provinces of untouchability which prevails in Madras and Bombay Presidencies. Here nobody considers himself to be polluted by the touch of shadow of the Shudra nor is physical contact odious except with Bhangies and that also in the conservative and orthodox quarters and not in the educated and enlightened circles. So if untouchability is removed it will not bring anything to the Shudras but still stalwart leaders of the Hindu Community will go on with their ostentatious show.

We beg to warn the Commission against these forces of hypocrisy and lip-sympathy. What is needed for our regeneration is the grant of political status equal to the so-called high class Hindus, and we are sure that social and every other progress will follow in its train.

It is futile to expect any material change in the angle of vision of the so-called high class Hindus in whom the conservative and orthodox element still predominates. Our customs and manners are also materially different from those of the so-called high class Hindus, e.g., we have always had our Panchayat System and Widow Remarriage Custom from time immemorial which the so-called high class Hindus have never had. They have only recently begun to copy our example. There is no love lost between us and the so-called high class Hindus. Therefore the only course open to us is to have a complete separation from that of the so-called high class Hindus insofar as political rights are concerned.

Under the circumstances we make the following demands in the hope that the Commission will be pleased to approve of them:—

(1) That the so-called the Shudra Community be named as *The Hindu Backward Classes*. The term depressed being a misnomer and the term Shudra is not acceptable to any of us.

(2) That 60 per cent representation by means of separate electorates or by Electoral College System or by proportional representation in all the representative bodies.

(3) That at least one minister in the Provincial Government should be recruited from amongst the touchables and the untouchables depressed classes.

(4) That at least one member in the Cabinet of the Local and the Central Government should

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DEPUTATION FROM DEPRESSED CLASSES.

be drawn from the touchables and untouchables depressed classes.

(5) That adequate and effective representation should be given to the touchables and the untouchables depressed classes in the public services and in the different grants-in-aid of the country as well as of the local bodies.

(6) That the provision of the above safeguards should be made in the constitution itself.

We consider this occasion to be most opportune to express our heartfelt gratefulness to Providence for sending a power which is likely to raise the fallen.

## LUCKNOW.

Dated 6th December, 1928.

## AFTERNOON.

PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND AND SIR HARI SINGH GOUR) AND OF THE UNITED PROVINCES PROVINCIAL COMMITTEE.

## Deputation from DEPRESSED CLASSES.

The Deputation consisted of :—

Babu Rama Charana, B.A., LL.B., M.L.C., Advocate, Chief Court, Oudh (Member of the United Provinces Committee), (Spokesman).

Babu Khom Chand, Ex-M.L.C., President, All-India Shri Jatav Mahasabha, Agra.

Babu Nanak Chand Dhusya, President, Adi-Hindu Sabha, United Provinces.

Munshi Hari Tamta, Member, District Board and Municipal Board, Almora, and Chairman of the Kumaun Shilpkar Sabha (Union of Industrial Workers), Almora, U.P.

Bhagat Mulluram, Member, District Board, Fatehpur, Representative of the All-India Adi-Hindu . (Aboriginals) Mahasabha, Cawnpore.

Babu Sheo Dayal Chowrasia, B.Sc., LL.B., Chhotwapur, Lucknow.

Babu Ram Prasad Ahir, Pleader, Oudh.

Babu Chot Ram, Member, Municipal Board, Allahabad.

Babu Raja Ram of Kahar Sudharak Mahasabha, Cawnpore.

151. *Chairman* : Do you more or less agree—please correct me if I am wrong—would it be right to say generally that we might take the figure of untouchables as something like 12 or 13 millions?

*Rao Bahadur Rajah* : Yes, I agree.

152. *Chairman* : What do you think, Raja Sahib?

*Raja Kushalpal Singh* : I agree.

*Kumwar Bisheshar Dayal Seth* : I also agree.

153. *Sardar Shirdav Singh Uberoi* : May I know whether the untouchables as given here are not touched by the high class Hindus at all? What is the proper definition of untouchables?

*Rao Bahadur Rajah* : It is given in the note itself.

*Witness* : The nature of untouchability in this province is very mild I should say; but all the same there is untouchability.

154. *Chairman* : Does it come to this, that these castes, broadly speaking, are those who would not ordinarily be admitted into the interior of the Hindu temple, is that correct?—Generally it is correct.

*Chairman* : Because I have understood and I think the Sardar Sahib suggests that, that in the United Provinces in contrast for instance with some parts of Madras, you do not get that degree of untouchability which causes the high class Hindus to object, let us say, to the shadow falling on them and things of that sort.

155. *Sir Zulfiqar Ali Khan* : May I know whether they are allowed to draw water from the same well? —In some places they are allowed and in others they are not allowed.

*Rao Bahadur Rajah* : Mr. Rama Charana represents the touchables.

156. *Chairman* : The question is whether these particular castes are allowed to draw water from the ordinary well.

*Rao Bahadur Rajah* : My information is that they are not allowed to draw water from all the district board wells.

*Kumwar Bisheshar Dayal Seth* : It is not correct.

157. *Chairman* : I know the evidence is that in some places there are people who have not got the same rights to wells as the high caste people; but it is a mistake to suppose that it always happens to everybody. It is not a fair view to take that in some parts of the province you will find there is a less strict view and there you will find that people are allowed to take water; they do not make any trouble. On the other hand there are places where the people are more strict; is not that correct?

*Kumwar Bisheshar Dayal Seth* : I never heard that there is any restriction with regard to the drawing of water.

*Rao Bahadur Rajah* : May I draw your attention to page 636,\* Sir? There the position is explained.

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158. *Chairman* : Yes; I shall read from the previous sentence: "The rules observed in Madras regarding pollution by coming within a certain distance cannot be said to have force in the United Provinces. Members of the untouchable castes are, however, often not permitted to draw water from the ordinary village wells and either have to provide their own well or place their vessels near the village well in the hope that some person of higher caste when drawing water will fill them." Does that give us a fair idea?

*Raja Kushalpal Singh* : Yes, Sir.

*Rao Bahadur Rajah* : And further on, Sir, at the end of that paragraph we find, "Direct contact with them should be avoided."

159. *Chairman* : I must confess the impression that I have got from a little reading and from the help that I have from my friends here is that the problem here in the United Provinces is not so serious as it is in Madras. But I am inclined to think after reading these documents that it is true in many cases that there are low caste people here who are not expected to use the ordinary village wells for water. Is that not a fact?

*Rao Bahadur Rajah* : Yes. In this connection may I also cite another instance? In the district board of Fatehpur a member representing the depressed classes moved a resolution to throw open all the wells to the untouchables also, but that resolution was defeated.

160. *Chairman* : Anyhow we are not concerned to investigate social customs, but how political rights are treated. What is it that you would like to say on the subject of the political representation of the people you specially speak for?—We want representation according to our population.

161. At present in the legislative council I understand that there is one member; he is a nominated member and he is chosen because he is intended to represent the classes which in the Governor's opinion are depressed classes?—Yes.

162. And you are that member, I know?—Yes.

163. Do you regard yourself then as representing a wider range of people than the untouchables?—Yes.

164. You mean the depressed classes as well?—Yes.

165. How is it determined? How far up in the list of castes you have given will those whom you say you represent come?—I have given all the castes in the first place and I have also given the higher castes separately in the list I have furnished.

166. If I may say so without offence, I have heard the Muhammadans contend that for certain purposes they are backward. I have heard of a committee being appointed in this province to consider the question of education of the backward communities and they considered the question of advance of education among Muhammadans. Of course you do not claim to represent Muhammadans?—No, sir. I am speaking of the castes of the Hindu communities who are backward.

167. And you claim to represent every class except Brahmins?—Not only excepting Brahmins but also excepting all the high classes given on page 352 of the printed list I have submitted to-day.

168. Everything else?—Yes; depressed and backward classes.

169. It could not be that. There must be a large number of intermediate castes, such for example as the Rajputs, the Jats?—They go in as Kshatriyas.

170. What I do not follow is this. I do not quite understand where you draw the line?—Well, sir, the fact is that practically no member of this class has ever been elected to the local legislature.

*Rao Bahadur Rajah* : May I intervene, sir? In some of the documents and memoranda placed before us I see the division is drawn between the threaded and the non-threaded castes.

*Witness* : (Babu Rama Charana) : But there are many classes among the depressed classes who wear sacred threads, and yet they are called backward.

171. *Chairman* : Let us ask the minister. What is your notion as to where the line is drawn where backward classes begin for the purpose of this representation?

*Raja Kushalpal Singh* : I do not think it is impossible to describe the exact line in so far as they are given in the district list as backward. But castes like Ahirs are not really depressed because in some parts of the province they are classed as Rajputs.

172. *Chairman* : Then does it come to this, that the representative of the backward and depressed classes in the legislature is expected to represent those lower castes who could not otherwise hope to get their representative elected and who need not in any way be members of his own caste?

*Raja Kushalpal Singh* : Yes.

173. *Chairman* : (To Babu Rama Charana) : Do you agree with that?—There is only one distinction, sir, namely, the high caste people and the low caste people.

174. That makes it very difficult, Babu Rama Charana, to imagine that they could vote, because when those people could vote, you must be able to make a list of the constituency. To take only one instance, you would include the Ahirs among the depressed classes?—Yes.

175. But the minister tells us that members of the Ahir class are not treated as a depressed class?—The majority of them are treated as a depressed class; some claim to be Rajputs.

176. What I understand the Raja Sahib says is that in this province the members of the Ahir caste are certainly not regarded as being depressed because they are treated as Rajputs?—They claim to be Rajputs, but they are not treated as Rajputs. And there are even many others who claim to be of a higher, but it does not follow from that conservative political and economic condition is not the educated.

*Raja Kushalpal Singh* : In their letter to the secretary to the Government of India in the Home department, dated the 16th March, 1908, this Government stated that: "It must be remembered that the mass of the Hindu population is to be found in the lower castes, Chamars, Ahirs, Pasis and the like."

*Chairman* : I think it is agreed that in the United Provinces a larger proportion of the Hindus falls into the category of depressed classes.

*Rao Bahadur Rajah* : May I draw your attention, sir, to memorandum from Ram Prasad Ahir, pleader, Sultanpur? He says in para (1): "The majority of the population of India is made up of Hindus, which consists of various castes, which can easily be divided politically into two classes—the higher (i.e., those who wear sacred cord) and the lower (i.e., those who do not wear sacred cord) including Chamars and sweepers."

*Witness* (Babu Rama Charana) : It is one thing to claim to wear a sacred cord; it is another thing that he is recognised as being entitled to wear a sacred cord. The Ahirs, the Malas, the Jatavas (a sect of Chamars) many of them do claim to be twice-born as the Brahmins, the Kshatriyas and the Vaishyas, but they are never recognised.

*Raja Kushalpal Singh* : B. Khem Chand of the deputation who is Chamar wears sacred cord.

177. *Chairman* : May we sum it up as far as we have gone?—The first point I think is this, that in the United Provinces the castes which may be regarded as untouchables in the sense that they sometimes are not given the full opportunity for using the ordinary village wells, or admitted into the interior of the temple are a very large body and amount to something like 12 millions. And in addition to that there is another very large body which is not untouchable in that sense, but none the less belongs to the lower class and included in the depressed class in a wider sense. There seem to be cases where members of the same caste in one part of the United Provinces are treated as quite depressed people although educationally they may not be so and some of them succeed in maintaining a better position. That seems

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[Continued.]

to be the first point. Then what Mr. Rajah said about the attempt to get constituencies which would elect representatives. Do I understand, or do I not understand, rightly, Babu Rama Charana, that your deputation wishes to have any election of its representatives?—Yes, there is unanimous demand for election.

178. Is that so?—Yes.

179. Do the other members of your deputation endorse this demand?—Yes.

180. I am not asking you whether you want to have more members to represent you. But I am asking you whether you think that in the United Provinces the time is come for the members whom you represent here to be elected by going to the poll and voting and all that? What do you gentlemen think?—(*Babu Ram Prasad Ahir*): Sir, I think the time has not yet come when we can seek election because there is in the villages the landlord who is generally of the higher caste. He has got all the influence over these lower castes and if he sets up somebody who is of his calibre, he can carry the day and our own candidate cannot be elected. So, for the time being we should be given representation by nomination.

181. What strikes me, gentlemen, is this. It might be that if you start election too soon you will find that the candidate who gets elected is not always the person who is the best. I do not want to persuade anybody, but I want to find out what you really think. You know in India there are people who say that when it comes to electing a member a great deal of influence is used by, let us say, the landlords or money-lenders, or by various other people to secure that a particular candidate that they want returned is chosen. Now for the purpose of election you may have of course that sort of influence used. On the other hand, if you think you can stand by yourself and elect the man you want, then I understand you like election. Now, which is it you want. That gentleman (Ram Prasad Ahir) I think would prefer nomination?—(Ram Prasad Ahir): Yes, Sir. (Other Witnesses): We do not want nomination; we want separate election.

182. Then the gentleman who spoke first wants nomination. What about the others? Do they want election, or nomination?—(*The other Witnesses*): All want separate election. (*Witness—Babu Nanak Chand Dhusya*): May I say, Sir, that some call themselves depressed classes, but they are not. Depressed classes are those people who have already been enumerated in Resolution No. 4 passed by the All-India Adi-Hindu Depressed Classes Conference held at Allahabad in 1927. It is clearly shown there that *Chamars* and others mentioned there are the depressed classes, and not those people, Sir, whom Babu Rama Charana has mentioned now, that is, the *Ahirs* and other persons. He is representing simply the depressed classes who are mentioned here, Sir. (*Witness Babu Khem Chand*): The definition of depressed classes is this, Sir. They are those from whose hands the higher castes do not eat food and do not drink water. Those are the real depressed classes, and not the *Ahirs*, *Malis*, etc. Those are backward classes. (*Witness Babu Ram Prasad Ahir*): Then the Christians and Muhammadans are also untouchables.

183. *Chairman* : I am not quite sure that I have understood you. Are you urging that the proper view is this, that the depressed classes are not as numerous as we thought, but they are certainly a small number of them?—(*Babu Nanak Chand Dhusya*) : Their number is not small, Sir. 'They number about 60 millions.

184. I am talking about the United Provinces. The population of the United Provinces is only about 45 millions?—In this province it is about 12 millions.

185. I have not quite followed you, Mr. Chand. What do you want to say?—(Babu Chand Bahore): I want to have separate

186. How do you propose to decide which the classes are, or who the individuals are that can vote? I want you to tell me if the depressed classes are going to elect their own members, how you think the list should be made up of the voters? You would have to have something to decide who the voters were, would you not?—All the adults. No qualification should be fixed for the depressed classes, educational qualifications or other qualifications.

187. I do not mean that. I mean this: how are you going to decide whether a particular caste votes or does not vote? Are the *dhobis* depressed classes?—Yes, sir.

188. Are *Ahirs* depressed classes?—No.

189. Who is going to decide which classes will have a vote?—Only those people from whose hands the high classes do not eat food, for example, the *Chamars*, *Koris*, *Bhangis*, *Mahars*, *Pasis*, etc.

190. Mahar is not a United Provinces caste?  
—Yes, Sir.

191. Are there *Mahars* in the United Provinces?—  
Yes, Sir.

192. I do not think there are very many *Mahars* in the United Provinces?—There are in the Central Provinces.

193. I am talking about the United Provinces. I was saying that I did not know that there were *Mahars* in the United Provinces of Agra and Oudh?—I think there are none.

194. As I understand, you, gentlemen, except for one of you, think it will be better to have your member or members elected?—Yes.

195. Did I understand you to say that you do not think that there ought to be any test for a vote, but that every adult man should vote?—Yes.

196. Do you think that ought to be the rule all over India?—Yes, Sir, for depressed classes.

197. For other people?—I cannot say for other people. I only speak for the depressed classes.

198. There may be some difficulty in saying that there was to be a vote with a lower qualification for the depressed classes than for other people?—I have prepared a written statement here, Sir. (The statement was handed over to the Chairman.)

199. Would you tell us this, please? In the United Provinces, I am not speaking of anywhere else, but in the United Provinces of Agra and Oudh, supposing that the legislative council remains of about the same size, how many members do you think the Government will have?—According to their

200. According to population?—Yes, sir. (*Babu Rama Charana*): Looking at our backward condition I am content myself to have a lesser number.

201. How many do you think would be right, yourself?—Not less than 30 per cent.

202. You think 30 per cent. of the total number of members should be returned by the depressed classes? —Depressed and backward classes.

203. When you say that you are including not only the untouchables but also the depressed touchables? —Yes.

\* \* \* \* \*

204. Mr. Cadogan: On the question of election as opposed to nomination I did not quite follow your answer to the Chairman. You say that your constituencies should be made up not only of the depressed unemployable but also of the depressed touchables.

205. Would it be very difficult to make an electoral college out of many of the electors? It would be quite possible to make a list of electors of considerable size.

207. The witness to ask for the  
the witness to ask for the  
the witness to ask for the

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

*[Faint, illegible handwritten notes]*

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[Continued.]

207. Then, if you have constituencies of untouchables would not that tend to perpetuate those distinctions?—It is not like nominated members whose business will be to vote for education, and so on?—But I want constituencies of touchable and untouchable classes jointly.

208. You think that election would effect your ultimate aim of merging the depressed classes in the general community? You prefer it to nomination?—Yes, Sir.

\* \* \* \* \*

213. *Major Attlee*: In this statement showing the population of the depressed classes Hindus are seen divided into two classes, those in Table I and those in Table II. Have you left out any intermediate class?—No.

214. You call them either high or low? There is no intermediate class?—No.

215. Now, as regards the economic position of these classes in Table I; are they generally landed classes or landless?—They are generally cultivators, tenants. There are certain exceptional cases in which they own land also.

216. In the main are they tenants, or are they landless workers?—They are tenants, but most of them work for others too.

217. They own small plots of land, but they work for others?—Yes.

218. And you also include, I suppose, in these depressed classes, factory workers?—Of course, they have gone from these classes. They all come in there.

219. Have you any well-to-do people among these classes?—No, no class as a whole is well-to-do. Some individuals in exceptional cases are well-to-do.

220. There are some?—One or two here and there.

221. Do they work with the rest of their class or go to work with the other classes?—They are working with the same classes. I can give you an example. The *Chamars* in Cawnpore are doing business in leather. They are rich there, but elsewhere they are poor.

222. Politically they stand with you?—Yes.

223. *Chairman*: If you take one of the members of the depressed classes who has become rich, he has a vote now in a general constituency. Now, supposing you give votes to the depressed classes to elect their own members, what would happen to such a man according to you? Would he vote in the general constituency or would he vote in the depressed classes constituency, or would he vote in both?—Why should he remain in the general constituency at all?

224. Then, your view is that if a man has now got a vote in a general constituency, and you made a list of depressed class voters, he would cease to vote in the general constituency and would only vote in his own depressed class constituency?—Yes.

225. *Lord Burnham*: Might I ask what proportion of the depressed classes would be in the general electorate at the present time, under the existing franchise?—I have not got it. That can be obtained from the Government.

226. You cannot form any opinion?—I can in individual cases. I can say about the municipality of Lucknow. There about one-fourth of the electors are depressed classes.

227. You cannot say whether there is less or more in the mofussil districts?—No. In the rural areas also I think their proportion will be about that.

228. *Dr. Shafaat Ahmad Khan*: Mr. Rama Charana, has there been an organised attempt to elevate the lot of the depressed classes in this province? To what extent have various institutions contributed to the establishment of equality between various classes?—In the first place the organisations that have been established to ameliorate the condition of the depressed classes aim at the removal of untouchability only, social disabilities. They do not want to give any political status to any of the depressed classes.

229. Do you think then they are all paper resolutions?—I should think so.

230. They are not carried into effect?—No, they are not.

231. My second question is, do you require separate electorates because you have not got the same economic, educational and social level as other communities?—Exactly.

232. But when you reach that level ultimately you will relinquish them?—Exactly. I want them as a temporary measure.

233. To be dropped later on when the same level is reached?—Yes.

234. Have you made considerable progress during the last eight years in education?—No. Literacy is .5 among our classes as against 4.5 among the higher classes according to the latest report.

235. You think that unless and until separate electorates are guaranteed to you your interests will not be safeguarded?—No. There is the Government report which says that district boards which are entrusted with the business of diffusion of education have actually discouraged it. Here I may refer to page 41 of the general Report on Public Instruction in the United Provinces for the year ending March 31, 1926.

236. *Chairman*: The report of the director of education?—Yes.

237. Would you just read the particular passage if it is not too long?—Yes. "Inspectors of all divisions except Benares and Rohilkhand report an increase in the number of schools and scholars. In Rohilkhand a decrease of 288 in the number of scholars has occurred, but in Benares the decrease amounts to the large figure of 3,070. To some extent the appointment of unsuitable supervisors is responsible for the decrease, but in the Benares division it is reported to be due to discouragement of this class of education by the boards, the Jaunpur district board in particular, and that of Ghazipur in a less degree, obtaining discreditable mention."

238. Is that referring to schools for the depressed class children?—Yes.

239. *Dr. Shafaat Ahmad Khan*: Mr. Rama Charana, you are aware that from 1921 down to the present day the legislative council of this province has created several autonomous institutions, universities, district boards, intermediate education boards, and so on. Do you think that these self-governing bodies have really safeguarded your interests?—No, sir.

240. Do you think then that there ought to be some safeguard in those autonomous statutory bodies for the protection of your interests?—Certainly; we cannot do without safeguards.

241. *Mr. Desanges*: What is the percentage of educated people in your community, those who have passed the matriculation examination or its equivalent examination?—I cannot give you the exact percentage, but I might state that there are at least two to three dozen graduates and a dozen practising lawyers.

242. You cannot give us any idea of the percentage?—It is very small.

243. You said that in certain districts in this province some classes do not like to be classed under depressed classes. Supposing you want to represent them and they disclaim you, will you not be in a very difficult position?—The trouble lies with the word "depressed" which is associated with the idea of untouchability.

244. But anyway you have to face the difficulty at present, at least?—Yes.

245. *Raja Kushalpal Singh*: Do you know if zamindars and money-lenders influence voters residing in their villages?—Certainly; they take them to be a mere herd of cattle.

246. If this is the case, do you not think that the person elected would be the person who is the nominee of the zamindars and money-lenders and not the person whom the depressed classes think to be the best representative of their class?—I do not think so.

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247. Why not?—He may not be a bold representative, but all the same he will be our representative.

248. But he will not be one who will be voicing the feelings, the views and the opinions of the depressed classes. He will express the views of high castes who have put him forward and whose nominee he will be?—There will be some influence, no doubt, but that influence will not, I think, make him disregard the interests of his own class.

249. Why will he not disregard when he thinks that he has got into the local body or the legislative council through the influence of high caste zamindars and money-lenders?—I do not think that they are slaves of ancient times.

250. Is it not your experience that depressed class tenants are more subservient to zamindars and money-lenders than high caste tenants?—Yes.

251. Are not the tenants voting according to the bidding of their zamindars?—Yes.

252. Why do you think that the person who is elected and whom the zamindar has put forward as his candidate will reflect the opinion of the depressed classes and not that of the person who got him elected?—In that case we will carry on propaganda and see that the right sort of man is elected who will certainly voice our views.

253. That will be the state of things when a certain amount of propaganda has been carried on and that propaganda has proved a success, but what do you think would be the result just at present?—With the system of nomination it is still worse. It is these very zamindars and money-lenders who are in the Government who nominate us; even there there is the same influence.

254. How can zamindars nominate you now?—They have got their influence with the nominating agencies.

*Chairman* : It seems to me that the view of the deputation, subject to one gentleman, is this : They say that, notwithstanding the risks of richer people influencing the elections, they would prefer to come through elections rather than through nominations.

255. *Raja Kushalpal Singh* : Will you adopt the system of adult suffrage?—I will not go so far, but I will certainly advocate some lowering of the franchise.

256. Can a stable electorate be formed from the heterogeneous group of depressed classes?—I see no difficulty.

257. Taking, for instance, the case of Agra district, the *chamars* number 1,51,000 which is more than the number of all other depressed classes put together. Will not the *chamar* candidates swamp the election?—If they will swamp the election at one place they will be swamped in other places by other classes. Anyhow, the net result will be the same.

258. In that case there will be injustice done to the depressed class communities in every district?—One caste is not segregated at all places; all these persons are scattered.

259. But are you not aware that the *chamars* are numerically the strongest in the United Provinces?—Yes, they are.

260. And the number of the real agriculturists like *Kachhis*, *Lohars* and *Kurmis* is small and therefore these persons will not get representation in the council and local bodies?—But all these *chamars* will not go into the electoral roll.

261. If adult suffrage is adopted then all of them will get in?—I am not talking on that assumption.

262. Then what qualification will you lay down?—I would suggest that instead of Rs. 3/- rental qualification it should be Rs. 2/-.

263. That is in urban areas?—Yes. And instead of Rs. 50 rent, it should, in my humble opinion, be reduced to Rs. 25; if a tenant pays Rs. 25 per annum he should be entitled to be an elector.

264. Have you considered another difficulty? In the district of Agra, for instance, the number of *chamars* is 1,51,000 and the number of other depressed classes is also a little less than that figure. There will be serious difficulty in staffing the polling

stations because in that case the Government will have to make arrangements for recording votes of about three lakhs of persons?—If our rights are more precious than the expenditure, I think Government would incur that expenditure.

*Raja Kushalpal Singh* : It is not a question of expenditure. Will it not be a physical impossibility?

265. *Chairman* : It depends, does it not, on how many of these people would become voters. I see that the witness is suggesting that there should be some lowering of the franchise. He suggests that in towns it should be lowered to a rental payment of Rs. 2 a month instead of Rs. 3 and that in the country the tenant should have a vote if he pays Rs. 25/- rental instead of Rs. 50. Supposing the franchise is lowered in the towns, would it not bring in a great number of depressed class members?—No, Sir.

266. It will bring in some at least. Will it not bring in a good many of the leather workers?—They are very few.

267. I think in Cawnpore there are many leather workers who pay a rental of Rs. 2?—Most of them are already on the list. The conditions in Cawnpore are of course exceptional.

268. *Lord Burnham* : I have this difficulty and I would like you to solve it. I see that there are certain castes here enumerated who do not wish to be reckoned with the depressed classes. How can you count these amongst the depressed classes when they do not want to be counted?—As I have submitted already, the word "depressed" is almost a misnomer in this province. Certain castes who are as backward as the untouchables resent the epithet of the depressed class because the idea of untouchability is associated with it. They do not regard that "depressed classes" refer to those who are politically backward but they think that by classing themselves under depressed classes they might be lowered in society. That is the reason why I have suggested another name.

269. But they may still say that they do not want to be classed with you. I gather that these castes keep rising in the social scale?—There is no question of rising.

270. But they are making their claims?—In the first place, only a handful of these persons are making a claim, and in the second place I doubt very much whether their claim will ever be recognised.

271. *Khan Bahadur Hidayat Husain* : I take it that all these sub-castes, *chamars*, *ahirs* and so on, are based on the professions they follow?—Yes.

272. Do you not think that there is a conflict of interest between all these sub-castes? For instance, a *chamar* has got no confidence in, say, an *ahir* or a *kachhi*?—To a lesser degree the same applies to higher castes.

273. Would this not prevent the formation of electorates?—No.

274. Can you cite any instance in which a member of the depressed class has stood from the general constituency for the council or for the local bodies and has not been returned because he was a member of the depressed class?—(*Babu Sheo Dayal Chawrasia*): I was one of the candidates who stood for the municipal elections at Lucknow. Many people were asked not to vote for me because I belonged to the *Tamboli* caste. Even many people of my own community did not vote for me because they were under the influence of higher castes.

275. *Chairman* : The last thing you said bears very much on the question which has been put before by the Honourable the Minister. I understand you to say that you stood as a candidate and you being a *sudra* people went about and said to those who are also depressed class people "Do not vote for him, he is a *sudra*, but vote for somebody else," and they did so. Does this not rather show that it may perhaps be dangerous to say that the time has come for the depressed classes to have their members elected?—We have already done propaganda work

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sufficiently and we have got organised bodies who explain to our people what voting actually means and how we will safeguard their interests if we are elected. I think if I were to stand this year I have got a better chance of succeeding than I had before.

276. Are you going to stand for the next council?—Yes, if separate electorate is granted.

277. *Khan Bahadur Hidayat Husain*: There are many rich people amongst *Kurmis*, for instance. Do you not think that they would resent coming down to the level of the *chamars* and being formed into that electorate?—(*Babu Rama Charana*): I do not think they will. Many of them are members of our organization.

278. *Mr. Srivastava*: In view of the difficulties which have been just pointed out by various members of the Conference regarding the formation of separate electorates, would you rather not be content with reservation of seats with the present electorate?—If separate electorate is not practicable I should certainly be content with that.

279. That is to say seats (whatever be their number) are reserved for you and members of the depressed classes are returned to those seats by the present Hindu electorate in which you are in a majority or at least you are very well represented?—As I said, if it is not possible to have separate electorate, I would certainly prefer reservation of seats.

*Chairman*: I have not followed. In the United Provinces, at any rate as things are, the elected members, nearly all, sit for single-member constituencies. I do not think you could combine single-member constituencies—could you?—with reserving seats. You would have to start with a system by which you would have several members elected for an area of whom one should be a member from the depressed classes.

*Mr. Srivastava*: Something to that effect. I am only suggesting that there are great difficulties in devising separate electorates.

\* \* \* \* \*

280. *Kunwar Bisheshwar Dayal Seth*: Is it not a fact that distinguished politicians and social reformers are now doing a great deal to do away with the distinction of depressed classes and untouchables?—They are, but my own view is that their influence has very little or no effect.

281. Has that brought about any change whatsoever in the general outlook?—Not at all so far as the political field is concerned.

282. *Chairman*: Let us not get too gloomy a picture. You have said "not at all so far as the political field is concerned." But let us take the time during the last 15 or 20 years. Here in the United Provinces has not there been some improvement?—In what direction?

283. I mean, for example, as compared with how things were 15 years ago?—So far as the social conditions are concerned, certainly they have improved.

284. They have improved?—Yes.

285. I am very glad to hear that. You mean there has been a better feeling in giving the depressed class people a fair share of the ordinary public rights?—No, nothing of that sort. The *Kahars* and other touchable classes have always been touchable: they have never got any political rights.

286. Political rights are mostly, not entirely, means to an end. Political rights are pressed firstly because they give the citizen the opportunity of doing his duty towards the place where he lives and secondly because they give him power to enable him to protect himself and to secure his rights. Duty first and rights afterwards, is not that so?—Yes.

287. I am not talking about political rights. I am talking about the social position. Has not there been some improvement as a result of these efforts for the last 15 years?—In social position there has been, but not beyond that. If I may say so they are not going to give us any political status.

288. *Rao Bahadur Rajah*: *Mr. Ram Prasad Ahir*, you have given the definition of the two classes, the touchables and untouchables, in your memorandum. You say on page 355, "The question then arises why others are regarded to be a little better than the untouchables. The answer is not far to seek—and it is that the former have placed themselves a little under the Brahmin influence, the latter totally refused to yield to Brahminical pressure—the former invite Brahmins to solemnise marriages, the latter perform marriages by themselves" Is that right?—(*Ram Prasad Ahir*): Yes.

289. So you want to place those communities that are under the Brahminical influence and who wear the sacred thread under the category of touchables, is it not?—No.

290. What we call at present as touchables are those classes who wear sacred thread and who are under the Brahminical influence. Am I right?—Yes.

291. I suppose you have seen this journal, *Adi-Hindu*, evidently published by *Babu Rama Charana*. It is stated in it that the journal is published for the advancement and protection of the rights of the so-called 15 crores of untouchables and *sudras*, qualifying the word "untouchables" by the word "depressed" and "Sudras" by the phrase "backward classes." Do you then agree that those touchables come under the term backward classes and the untouchables come under the term depressed classes? Is that your view?—You may call them by any name you like. But I have given certain usages in my memorandum to show wherein the disability they suffer from arises. If you read my memorandum you will know it.

292. I quite agree with all what you say in your memorandum and it is about that I am asking you?—I may suggest this. In ancient India they were the rulers and they were intermixing with each other. Later on when they were conquered the depressed classes, the untouchables, refused totally to come under the banner of the Brahmin. Others who came are the touchables.

293. *Mr. Rama Charana*, you are for separate electorates for the depressed classes?—(*Babu Rama Charana*): Yes.

294. It is stated that it is very difficult to form a separate electorate for them?—There is no difficulty at all.

295. But there will not be any such thing as untouchables electorate?—No, no such thing.

296. You have stated that public opinion in this province is almost in favour of the depressed classes. Will you kindly tell me what is your experience of the Hindu members of your legislative council with regard to their attitude towards the depressed classes?—I can only say that there is much on paper and very little in action. They may make speeches. I give you an instance. Out of 80 lakhs of rupees allotted for education, only over a lakh is given to the depressed classes although the illiteracy among them is very great and the other classes who are already sufficiently literate get a lion's share.

297. *Chairman*: You say that 80 lakhs is voted for education in the province?—It is granted for primary education to the local bodies.

298. Grants-in-aid about 80 lakhs?—Yes.

299. Can you tell us how much of it goes to support the education of the depressed classes?—A little over a lakh of rupees.

300. 1/80th of the whole?—Yes and even that we are getting since the last two years. Before that we were getting much less.

*Kunwar Bisheshwar Dayal Seth*: I think this one lakh is intended specially for the depressed classes. As for the other amount that is spent on education, there is no bar for the depressed classes taking advantage of it. This one lakh is only in addition to what is being spent generally on education.

301. *Chairman*: I rather thought so. Is it the true position, that some years ago there was an



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DEPUTATION FROM DEPRESSED CLASSES.

[Continued.]

effort to start schools specially for the depressed classes children and it may be that the depressed classes children who went to school went for the most part to these special schools? But is it not this what is happening, that more and more depressed class students are going to the ordinary schools?—That is true so far as the urban areas are concerned.

302. In some areas at any rate they are going. So the depressed class children get the advantage of the grant-in-aid given for the ordinary schools because many of them go there?—It is not so with regard to the rural areas where most of these classes live.

303. In cases where it is so. When you speak of the one lakh out of 80 lakhs being provided for the depressed classes education, that means, I think, does it not, that it is provided for these special schools for the depressed class children?—Yes.

304. Of course all the depressed class children are entitled at any rate to go to the ordinary schools?—Very few of them go because most of these people live in rural areas.

305. There are a lot of these depressed class children in Cawnpore?—Yes.

306. They do not all go to the depressed class schools, do they?—In cities there are very few depressed classes schools.

307. *Rao Bahadur Rajah*: It was said that the money allotted for education is for the welfare of all the communities including the depressed classes. Is it a fact that the high caste Hindus in this province have been totally against the aspirations of the depressed classes so far as education is concerned?—For a reply to that the report of the committee may be referred to.

308. May I refer you to a paragraph in this report, written by Rai Sahib Pandit Shukdeo Tewari of the educational service, wherein he says, "Education both in rural and urban areas here was confined amongst the literary classes only. The backward communities were allowed to live in ignorance as they were before. The high caste and literate Hindu communities, particularly the zamindars, discouraged the backward classes to educate the boys as they did not like the latter to become more learned and question the authority over them. The teachers who happened to belong to the literate communities did not admit the boys of untouchable classes for one reason or another"? Is that right?—Yes, that is right.

309. Will you tell me if these boys are admitted into the public hostels?—I think there is no provision for them. They are not admitted. I myself recall a case of Mohanlalganj where a boy of the Kori caste aged 13 years was not allowed to remain in the hostel but was asked to cook his food in a *maidan* in this cold weather and was asked to lie down in a verandah open to cold. I myself went to that place and learnt this.

310. *Chairman*: If I may say so it may help you and the witness. I think probably we all of us feel that the claim that the depressed classes should have adequate political representation on the ground that they need amongst other things the protection is a claim which appeals to many of the people. I think that is quite a reasonable thing to say. The real question is not so much whether it is proved that they need protection because I am pretty sure many of them say they do. I notice that some of us who are Indian members of the Conference agree with this view. But the real question is what is the best way of doing it. Do you not think so?

*Rao Bahadur Rajah*: Yes.

*Chairman*: If anybody comes and says that the depressed classes do not suffer from any grievance and they are treated like everybody else, I should not believe it.

*Rao Bahadur Rajah*: I am placing these facts before the Conference to press my case definitely for adequate representation in the councils.

*Chairman*: I think that is very important.

*Rao Bahadur Rajah*: The moment we get adequate representation to these councils and we are represented there by our own community itself, I think all these political rights will follow easily.

311. *Chairman*: Would you just tell me this? I have carefully looked into this. It is a little difficult, is it not, how it is to be done? Do you think yourself you would be disposed to recommend that there should be an attempt made to draw up a separate electoral list or do you think that for the time being it will be better to provide representation by nomination and to make sure that the members nominated were untouchables as well as backward classes?

*Rao Bahadur Rajah*: I think there will be no difficulty in framing an electorate, Sir, because these untouchables in almost all the villages live separately in what are called *mohallas* or *tolis*. They are a homogeneous group and not a heterogeneous group as stated by somebody. They live separately and therefore it is very easy to carve out an electorate for them.

*Chairman*: One of the difficulties which I feel myself is this. One is rather sorry for a man who has improved his social position and perhaps is already qualified to vote in a general electorate and to take part in it, if arrangements are made which almost seem to throw him back. I hardly think that you propose to have two votes. Therefore you will see that he will have to lose his vote in the general electorate.

*Rao Bahadur Rajah*: He will have the option to choose the one or the other. I think he will choose the electorate containing his own people. I will bring out this point.

312. Mr. Bahore, you were a member of the legislative council?—(*Babu Khem Chand Bahore*): Yes.

313. You are a very rich man in Agra?—Yes.

314. I am told you are worth property to the extent of two or three lakhs?—Yes.

315. You pay a house rent of Rs. 200 to the municipality?—Yes.

316. When you perform marriages are you allowed to take the marriage procession to the Hindu public streets?—No.

317. If a separate electorate is formed for the depressed classes and if you are asked to vote either in the depressed classes electorate or the Hindu electorate, which will you prefer?—The depressed classes electorate.

318. *Chairman*: To help your own people?—Yes.

319. *Rao Bahadur Rajah*: Mr. Rama Charana, the Chairman of the Indian Central Committee, wants to know whether you have included the hill tribes also in the list which you have given?—(*Babu Rama Charana*): Yes, I have. It is No. 13 in the printed list.

320. Have you included the criminal tribes?—Everybody comes in there. The criminal tribes are also included.

321. As touchables or as untouchables?—Some of them are touchables and others untouchables. They are untouchables in one place and touchables in another.

322. Mr. Srivastava: What hill tribes do you mean?—The depressed classes of Almora and Nainital, etc.

323. What are the castes?—Other than the Brahmans, the Rajputs and Vaisyas.

324. *Chairman*: Give me an example out of this list of 52 different castes, of a criminal tribe?—The *Pasis*, the *Nats*, the *Haburas*.



## Memorandum submitted by the COMMITTEE OF THE UPPER INDIA CHAMBER OF COMMERCE.

The Committee of the Upper India Chamber of Commerce desire to avail themselves of the invitation to submit a memorandum on the subjects which fall within the limits of the enquiry which is being undertaken by the Indian Statutory Commission. They have framed this memorandum generally and serially on the lines of the Appendix to the Invitation to Submit Memoranda. They do not propose to deal with the whole field covered by the heads set out in the Appendix and their purpose particularly is to state their views on the problems affecting the Provincial Governments. They propose, as far as possible, to avoid those matters more directly relating to the Central Government and will touch on them, only where they are believed to affect the question of Provincial Government.

In dealing with the matter of Provincial Government they naturally base their conclusions and recommendations more particularly on the conditions obtaining in the United Provinces of Agra and Oudh.

As a preliminary it is necessary to inform the Statutory Commission in regard to the status of the Chamber. The Upper India Chamber of Commerce was established in the year 1889 and is believed to be the first Chamber of Commerce established in the interior of India. The Chamber concerns itself more particularly with the industrial and commercial interests of the United Provinces, within which area the large majority of its members have their activities. It has, however, a few members in the Punjab, Marwar and Bhopal.

It may be said that the Chamber represents practically the whole of the major industrial interests in its area and its membership includes the majority of the Banks doing business in this area, the whole of the Railways serving the area, and a very large proportion of the European, and a lesser proportion of the Indian, commercial interests in the area.

In close connection with the Chamber, through its membership, is the Indian Sugar Producers' Association which represents 90 per cent. of the white sugar manufacturers of India and whose office is conducted by the Chamber.

The Chamber is represented on the United Provinces Legislative Council by two members, one Indian and one European. A member of the Committee of the Chamber, himself an ex-President of the Chamber, represents the European Constituency of the United Provinces in the Legislative Assembly. The Chamber also returns three members to the Municipal Board of Cawnpore, and is represented on the Advisory Committees of most of the Railways serving the Province and on the various Government Boards and Committees acting in an advisory capacity to the local Government. The Chamber therefore claims to speak as a thoroughly representative body.

### 1. The representative system as applied to British India

- (a) The basis of the Franchise.
- (b) Methods of Election.

The Committee of the Chamber are satisfied that the present bases of franchise extended to British India under the Government of India Act, 1919, and the methods of election now obtaining, do not, in practice, supply the country with a representative system. They do not desire to stress the fact that the present Indian electorates represent only a very small fractional proportion of the peoples of India. The facts and figures demonstrating this are too obvious and too well known to require any emphasis. But they do desire to insist that the results of the elections by the present electorates are wholly misleading in that they have not brought in to the Legislatures the representatives of the people. The land-holders are represented but the vast agricultural population of India is believed to be almost entirely without adequate representation. A proof of this may be deduced from the fact that in the United Provinces Legislative Council, out of 100 elected

members there are 41 urban lawyers, whereas there are only 12 urban constituencies, not all of which are represented by lawyers. A lawyer represents the European Constituency, one represents a Chamber of Commerce Constituency, and one represents the University Constituency. The great majority of the lawyers are therefore returned by the rural constituencies and in their return the rural population has had very little voice.

It is generally admitted that this state of things is due to the appalling lack of education prevailing in India and especially in the rural areas. The remedy for this lack of education must of necessity be slow in its application and operation, but it appears to the Committee of the Chamber to be sufficient to realise that this remedy cannot at present, or for some considerable time to come, be effective and that in its absence it is fallacious to describe the present system as "representative." The Committee of the Chamber believe that it would be more honest to India wholly to abandon the present bases of franchise and the present methods of election in the rural areas and to substitute a method which would, it is believed, result in an actual extension of the franchise by indirect means to the rural population. They consider that the machinery for this actually exists in some Provinces and might be established in others by means of the development of the *Panchayat* system. This system has developed in the last ten years and in its further development and extension my Committee see some chance of a solution of an otherwise impossible problem.

The present functions of the Village *Panchayats*, where these exist, are (a) Magisterial and Judicial, to a necessarily very limited extent, (b) Civic, to the extent of aiding in the improvement of education, public health, water supply, village communications and works of public utility, (c) the conduct of inquests, (d) affording assistance to officers of Government in the performance of their duties, and (e) assisting, by enquiry, Magistrates and competent Revenue Officers. To these functions it would, the Committee believe, be feasible to add the function of electing members to District Boards, or Local Boards, or other equivalent bodies now created on an elective basis. But as a preliminary step the election of the *Panches*, or members of Village *Panchayats*, should, and could, be made more representative by insisting that all adult male inhabitants of a village should be permitted to vote, in some summary manner, for the election of the *Panches*.

The members of the *Panchayats* would be the lowest grade of electoral college and would elect, not necessarily from among their own members, the District Boards in rural areas.

It is regarded as an incontestable fact that at present, and for many years to come, communal representation must be resorted to in India, and it is believed that it would not be difficult to introduce a communal system, correctly based on the communal population, into the election of Village *Panchayats* and, as a second step, into the election, by the members of these *Panchayats* of the members of District Boards or equivalent rural bodies. In urban areas, where educational conditions are better and where the significance and importance of the elective system is better understood, direct election to Municipal Boards should continue.

The District Boards and Municipal Boards, once elected, should be constituted electoral colleges for the election, again not necessarily from among their own members, of members to the Legislative Assembly and to the Provincial Lower Houses—it being, as will presently be shown, a part of the Chamber's proposals that provincial Upper Houses should be established.

Functioning with the District and Municipal Boards as electoral colleges there would be other properly constituted elective bodies such as (a

## MEMORANDUM BY THE COMMITTEE OF THE UPPER INDIA CHAMBER OF COMMERCE. [Continued.]

Chambers of Commerce and similar trade associations, (b) Registered Workmen's Unions, (c) Associations of land-holders, (d) the Provincial Branches of the European Association, (e) the Anglo-Indian and Domiciled European Association and (f) the Indian Christian community (in certain Provinces).

These several electoral colleges would form the general electorates for the Provincial Councils and Legislative Assembly and, in addition, there would be special electorates. These will be referred to subsequently under the next sub-head.

The Council of State and the Upper Provincial Chambers would be formed by direct election on a uniform and comparatively high and restricted franchise.

There is no inconsistency in this proposal since the restricted electorates for these Upper Chambers do exist, possessed of sufficient political education.

The Committee are aware that their recommendations for a reversion to an indirect method of election may be regarded as retrograde. They do not wish to be considered as labouring the point, but they desire to make it clear that, while they hold the view that it is certainly desirable to extend the bases of franchise, the problem is, in the present state of education in India, actually insoluble, if by solution be meant the infusion, within a reasonable time, of political education and the development of the political capacity of the masses and, in particular, of the rural population.

The difficulties in the way of educating politically these masses and this population were recognised by the authors of the Joint Report on Indian Constitutional Reforms, but an attempt was nevertheless made and has continued for nine years.

During this period those who have been returned to the Provincial Councils and the Central Legislatures have made little, if any, effort correctly to educate their constituencies or to develop the potential capacity of the rural classes for politics, and for all practical purposes the situation, as far as it concerns the suitability of India for a direct popular franchise, is exactly where it was when the Montagu-Chelmsford Report was issued. This being so it is the opinion of the Committee of the Chamber that it is useless to place a vote in the hands of people who are incapable of understanding its value or its use. In the circumstances resort to indirect election is the only solution.

Nothing can be more certain than that the Legislatures of to-day have not grown and are not being developed scientifically and symmetrically on their present franchise. The present electoral structure has been erected on an inadequate foundation, top-heavy and ill-balanced and with every proof afforded of its instability. The comments of the Government of India in their Fifth Despatch of 1919, forwarding the Southborough Committee's Report on Franchises, show quite clearly that the recommendations of the Southborough Committee were not based on principle but rather on a facile acceptance of the views of Local Governments. It may be that this was the inevitable result of the hasty forcing through of the Reforms by the then Secretary of State, but the fact remains that the methods of election finally adopted for the Legislative Assembly and the Council of State were not those recommended by the Southborough Committee and accepted, in a very lukewarm manner, by the Government of India. The recommendations of the Southborough Committee as to the methods of election for the Provincial Councils were certainly adopted finally, but even these were regarded, by at least one member of the Government of India, as experimental and the Committee of the Chamber hold the view that the experiment has not succeeded.

The methods of election for the Provincial Councils and the Legislative Assembly were changed under the Montagu-Chelmsford Reforms of 1919 from a system, at least partial, of electoral colleges to a system of direct election, and it became necessary, after the decision to make this change was known, very hastily to devise the electorates to which the

franchises were to be extended. The actual result was that the electorates and their franchises were not such as would form a secure foundational basis for the Legislatures, but were built in or thrust in under them, none too confidently or securely. The result is a conglomerate of property and other qualifications, communally most uneven and educationally most unsound.

The Committee of the Chamber therefore put forward their recommendation that this unsound structure should be replaced, at any rate for the present and for several years to come, by the system of electoral colleges which they have endeavoured to sketch out.

(c) In considering the methods whereby particular interests, communal, local, social and economic, may obtain adequate representation on local self-governing, Provincial and Central Representative Bodies, the Committee of the Chamber desire to put forward the following recommendations:—

In regard to local self-governing bodies the powers now afforded under the Municipalities Act for giving communal and other special representation on Municipal Boards appear to the Committee to be sufficient save possibly in regard to the Depressed Classes, and they consider it necessary only to recommend that the present representation of special and minority interests should not be reduced.

In regard to District Boards it has already been recommended that *Panchayats* should be elected so as to preserve the correct communal proportion and if this desideratum is similarly secured in the election, by Village *Panchayats*, of District Boards, no other particular interest in rural areas, again save perhaps that of the Depressed Classes, seems important enough to require special representation.

In regard to Provincial and Central Representative Bodies the Committee of the Chamber recommend that the communal interests of *Moslems* should be protected in accordance with the formula enunciated by Sir William Vincent in para. 5 of his Minute of Dissent to the Government of India's Fifth Despatch, forwarding the Report of the Southborough Committee to the Secretary of State, on the 23rd April, 1919. Sir William Vincent said: "What is wanted is a sliding scale in which the weighting given to Mohammadans increases as their numerical weakness does . . . . Where the Mohammadans are in the census majority let them get representation in that proportion; where they are the weakest," (i.e., at their weakest) "let us double that proportion . . . . Between these extremes let us multiply the census ratio of the Mohammadans by a factor greater than one and less than two."

The *Europeans* should certainly have communal representation, both in the Central and Provincial Legislatures, and this should be distinct from and in addition to the special representation necessary for European Commerce.

On the 13th of August, 1924, the Chamber, in addressing the Reforms Enquiry Committee, made a similar recommendation and a copy of the Chamber's letter of that date is attached as *Annexure A* to this Memorandum, and particular attention is invited, in the present connection, to the concluding paragraph of that letter and to the criticisms made by the Chamber in November, 1918, of the Montagu-Chelmsford Report, and which are quoted in the letter.

The *Anglo-Indians* should continue to be recognised as a separate community and should be given a franchise to function as an electoral college and to elect a representative to the Central Legislature and also representatives to the Provincial Councils of Bengal, Bombay, Madras, and the United Provinces in which Provinces the strength of the Anglo-Indian population is considered to justify their separate representation.

*Indian Christians* should also be given a franchise to elect a representative to the Central Legislature and representatives to the Councils of such of the

## MEMORANDUM BY THE COMMITTEE OF THE UPPER INDIA CHAMBER OF COMMERCE. (Continued.)

Provinces as contain a sufficiently large Indian Christian population to warrant separate representation.

In the matter of *local interests* the Committee are not able to envisage any interests which would not be adequately represented by one or other of the special interests separately treated.

As far as *special interests* are concerned the Committee of the Chamber hold the view that the Depressed Classes are quite inadequately represented in the Central and Provincial Legislatures, and that their representation should certainly be increased considerably. The comments of the Government of India, in para. 13 of their Fifth Despatch of 1919, furnish an eloquent condemnation of the neglect of this interest.

Owing to the backwardness of these classes and their lack of education any system of direct election would be unsuitable, but it is felt that a system of electoral colleges could be established in each Province among the Depressed Classes and that they should be given a right of election on this system.

The large proportion of this class to India's population renders a system of representation by nomination alike inadequate and unsuitable.

Dealing with *other special interests* the Committee of the Chamber are of opinion that European Commerce and Indian Commerce should be accorded separate representation in both the Central and Provincial Legislatures. They consider that it is wrong that European Commerce should be denied representation in the Legislative Assembly, save by the nomination of one representative of the Associated Chambers of Commerce, while on the other hand Indian Commerce is, in certain Provinces, privileged to elect members to the Assembly.

In the Chamber's letter of the 13th August, 1924, to the Reforms Enquiry Committee, which is attached as Annexure I to this Memorandum, reference was made to the claim for the representation of European Commerce on the Legislative Assembly, and it is pointed out that the European Chambers of Commerce, while representative of European commercial opinion, do not represent European communal opinion. It was there stated that the Chambers include Indians in their body and that in many of them a certain proportion of Indians is on the Committee of the Chambers.

It is in the Legislative Assembly that legislation affecting Commerce is mainly initiated and it is in the Assembly that the main discussion on the Budgets takes place. It is therefore all the more necessary that both European and Indian Chambers of Commerce should be constituted electoral colleges to return members to the Legislative Assembly.

Representation should be accorded to Commerce by means of election by Chambers of Commerce constituencies, but in order to ensure that commercial interests are truly represented the Committee of the Chamber consider that it is necessary for the purposes of the governing Act so to define Chambers of Commerce as to ensure that the membership of the Chambers shall be confined to genuine representatives of trade and commerce.

Considerable dissatisfaction has been expressed during the past few years by the Chambers of Commerce with the methods of election which have been laid down under the election rules of the various Provinces for Chamber of Commerce constituencies and the Committee of this Chamber strongly urge that the difficulties which have been experienced and complained of should be removed. They urge that the necessity for nominating an individual to represent a member of a Chamber of Commerce, and whose name must appear on the electoral roll, should be done away with and that the member, when a firm or corporate body, should be given power to vote in its own name. Alternatively, the electoral rolls of Chamber of Commerce Constituencies should be revised semi-annually, if not quarterly. Under the present rules many

members are deprived of their vote and are also prevented from nominating persons connected with their business as candidates for election by the fact that the person whose name appears on the electoral roll, prepared perhaps two or three years previously, has severed his connection with the member's business or is deceased or is absent on leave. Members of Chambers of Commerce, should be permitted to nominate any duly accredited person connected with their business as a candidate and also to nominate any similarly accredited person to exercise the vote on behalf of the member. In short, the membership roll of the Chamber should be the electoral roll.

It has already been recommended that *land-holders* should be recognised as one of the electoral colleges for the representation of land-holding interests in the Legislatures.

In regard to the representation of *Universities* the Committee of the Chamber desire to record their opinion that there is now no need for granting special representation to Universities. The reasons for their exclusion are amply stated in para. 14 of the Government of India's Fifth Despatch of 1919.

(d) In dealing with the relationship between representatives and constituencies the Committee of the Chamber desire to state that if the reference to this subject is to the relationship which has in the past been maintained by the elected representatives with the constituents who have, or are supposed to have, elected them, the only criticisms which the Committee could make, at least in regard to the general constituencies of the Central and Provincial Legislatures, must be destructive. It has already been pointed out that the elected members have done little, if anything, to educate their constituencies politically. In many constituencies, and certainly in rural constituencies, the electors see nothing of their members between elections, until the last few months preceding an election. They are seldom, if ever, consulted by their member as to his policy on important matters, and, in general, anything in the nature of active relationship between the member and his constituents is noticeable by its absence.

(e) Touching on the subject of the *Growth of Parties*, the Committee of the Chamber hold the view that the only party which has grown in the past nine years is that of the Swrajists, and whether that has grown to good purpose or evil its record in the Legislatures affords abundant evidence. In the opinion of the Committee of the Chamber the only functions which this party has successfully fulfilled in the Legislatures are those of obstruction and destruction. The Committee of the Chamber do not consider that they are called upon to enlarge on this point, but they do feel that it is necessary to point out that, for some reason or another, all parties in the Legislatures, save the Government bloc, have been driven more and more to the left, into opposition to Government. In these circumstances anything in the nature of a healthy growth of parties was hardly to be expected.

(f) The Committee of the Chamber feel that they cannot comment constructively on the subject of the *growth of public opinion*. They recognise that there has been a certain growth of public opinion in localised and restricted circles, but the growth would have been much more rapid and widespread if the representatives elected to the Legislatures had devoted attention, as they should have, to their constituencies. Proofs are abundant that in many rural areas the very existence, let alone the meaning, of the Legislatures is unknown.

(g) The Committee hold a very definite view in regard to the *nomination of officials and non-officials as additional members of elected bodies*. In local self governing bodies the presence of officials is entirely unnecessary and would indeed be a contradiction to the term "self-government."

In the Provincial Legislatures the Committee of the Chamber strongly favour the grant of provincial autonomy and they accordingly hold the view that

## MEMORANDUM BY THE COMMITTEE OF THE UPPER INDIA CHAMBER OF COMMERCE. [Continued.]

this does away with the arguments put forward in the Report of the Reforms Enquiry Committee, 1924, for the retention of officials in the Provincial Councils. If it is possible Government is to be attained in the Provinces, the officials must, with one exception, disappear. The reason for this exception, is stated on page 368 and 371 of this Memorandum.

In regard to the nomination of officials to the Central Legislature, the Committee of the Chamber prefer to leave any recommendations that may be made to the Associated Chambers of Commerce.

2. *The contribution of existing areas for legislative and administrative purposes and for the growth of representative institutions.*

The Committee of the Chamber do not desire to advance any views on this subject in its relation to local self-governing bodies. In regard to Provincial Representation, under the Committee desire to express an opinion of their opinion to the United Provinces. They are aware that suggestions have been made that Oudh should be separated from the Province of Agra, and they desire to record their entire opposition to and disapproval of any such proposal. They are of the opinion that no adequate reason can be advanced for any such administrative separation. There is a case for political separation, in the matter of which it is a reality, but beyond this no difference should be made. Local differences require different treatment in matters of territory and revenue are adequately met by the present constitution, and hence there. A complete separation, administrative and legislative, would be merely extra paid and in no way beneficial.

The Committee of the Chamber have also heard that it is suggested that the Delhi province should be increased in size by the appropriation of certain districts from the Punjab and from the United Provinces. They can hardly credit that such a proposal has been made seriously. They are entirely opposed to any such suggestion and they recommend that the Delhi province be left as it is, a small district having as the sole excuse for its separate existence the centralized situation of the Capital of India.

3. *Local self-governing bodies (Municipalities, District Boards, etc.) and their relationship with the Provincial Government.*

Dealing with this subject under its various sub-heads, the Committee of the Chamber desire to record their views as follows:

(a) *Constitution.* In regard to District Boards the Committee have already recommended that these be elected by Village Panchayats. They consider that there is no real analogy between the qualifications of voters in District Board elections and those in Municipal elections. The circumstances, interests and conditions of the rural and urban electorates are entirely different. For instance, while in District Board electorates illiteracy does not necessarily imply an absence of the essential property or tenancy qualifications, it is, as a wide general rule, the reverse in the case of Municipal electorates, the urban population having far more opportunity of and incentive for becoming literate. The Committee would therefore not recommend the imposition of a literacy qualification for District Board electorates, i.e., the members of Village Panchayats, beyond the qualification which already exists for election to Panchayats, which is, in these Provinces, that the Sarpanch and one other Panch shall be able to read and write in the vernacular.

In regard to Municipal Boards, however, it is felt that the time has now come to make the grant of a franchise a motive for the requirement of literacy and that a beginning should now be made with the urban population. The Committee of the Chamber accordingly recommend a tightening up of the basis of the Municipal franchise by imposing an essential an overriding educational qualification on all those who are not directly assessed to Municipal tax. This qualification, which should be based only on literacy in

English or any of the vernaculars, should be just as essential as the present residential qualification, which should of course be retained. The various subsidiary qualifications at present laid down for Municipal electorates in these Provinces are considered sufficient and desirable, but it is felt that the occupancy qualification of a minimum annual value of Rs. 36 fixed by rule, is too low. It is recognized that a similar figure was fixed as one of the qualifications for the Legislative Council electorates under the present system, but there also the figure has always been regarded by the Committee of the Chamber as being too low, since, in effect, it has extended the franchise quite disproportionately to the ignorant and irresponsible classes, giving them a preponderating vote as against those who have a real stake in the constituency. The same arguments apply to Municipal constituencies.

(b) *Functions.* The Committee of the Chamber do not think it necessary to criticize the functions laid down for District Boards, but, in regard to Municipalities, certain of the discretionary functions should be made statutory.

In these Provinces the law governing Local Self Government by Municipal Boards is contained in the United Provinces Municipalities Act of 1916. Certain amendments to the Act have since been made which have worked advantageously. In the view of the Committee of the Chamber the Act, save where these amendments have been found necessary, has worked very well. It was drafted by an officer of Government who had had considerable personal experience as the chairman of an important Municipal Board and on the whole it is a practical and sound enactment, with the maximum of freedom from Government restraint and supervision allowed and with the minimum opportunity for interference. The Committee of the Chamber are aware that on many points a further amendment of the Municipalities Act has been urged, but in most cases these proposals have had as their object the lessening of any form of Government control and the entire removal of supervision and intervention by the Commissioner and District Magistrate.

The duties imposed by statute on Municipalities are enumerated in section 7 of the Act. Certain other functions, detailed in section 8, are discretionary. In the opinion of the Committee of the Chamber certain of these discretionary functions should be made obligatory, e.g., the establishing and maintaining of poor-houses, dairies, washing places, and drinking fountains, and the reclaiming of unhealthy localities, etc. Others of the discretionary functions might more appropriately be left to Improvement Trusts, where these exist side by side with Municipalities. The Municipalities Act was drafted before the U.P. Town Improvement Act was devised in 1919, and should now be amended to prevent an overlap of functions with the latter where applied, and the latter should also be amended so as to relieve Municipalities, which are connected with Improvement Trusts, of certain of their discretionary functions.

(c) *Relationship with officials of Provincial Government and (d) Control by Provincial Government.* The relationship of Municipalities with officials of the Provincial Government is covered by section 32 of the Act which provides for supervision by the Commissioner and District Magistrate; by section 33, which provides for the inspection of Municipal works and institutions by Government officers; by section 34, which gives the Commissioner or District Magistrate power to prohibit the further execution of a resolution or order of the Board; by section 35, which gives to the Commissioner (in case of a non-city Municipality) certain powers in the case of default by the Board (in the case of city Municipalities these power vest only in the local Government); by section 36, which gives the District Magistrate extraordinary powers in case of emergency; and by Rules under section 296 governing the audit of Municipal Accounts by Government officers. The Committee feel that any lessening of

## MEMORANDUM BY THE COMMITTEE OF THE UPPER INDIA CHAMBER OF COMMERCE. [Continued.]

the supervision and powers referred to above is strongly to be deprecated. The control of Municipalities by Government is essential, certainly to the extent provided by the Act, and detailed in schedule 7 of the Act. A careful study of the Government's powers as given in this schedule convinces the Committee that in no particular should there be a removal of these powers. The Committee, however, consider that, in certain minor details, restrictions and prohibitions as to expenditure by the Board should be removed. It has been made obvious that the retention of these restrictions cannot prevent a mismanaged Board from plunging into bankruptcy if set on this course, while on the other hand a self-respecting and fairly well managed Board cannot but regard them as galling in the extreme and inconsistent with the spirit of self-government. In particular the Committee consider that it is in the application of the powers under section 8 (3) of the Act that more financial freedom should be afforded to Boards.

(c) *Finance*.—Taxation is the main source of income of Municipal Boards. The powers of taxation to be allowed by Local Governments to Municipal Boards are governed by schedule 2 of the Scheduled Taxes Rules, framed under section 80 A (3) (a) of the Government of India Act, and the Committee strongly recommend that, in regard to Municipal Taxes, these powers shall be preserved and the schedule not extended.

Other sources of Municipal income are revenue from Municipal property and Government grants, and having regard to all these sources of income, and speaking with close acquaintance with Municipal conditions in Cawnpore, the Committee of the Chamber hold the opinion that Municipal income is or can be made more than sufficient for the proper discharge of its functions by the Board, adequate attention being paid to the necessity for economic working, proper restraint of establishment and wise embarkation on new schemes.

The Committee of the Chamber feel that they must criticise adversely the present attitude of the United Provinces Government towards Municipal expenditure on capital works, e.g., on water works, and the extension of drainage and roads, as evidenced by their treatment of the Cawnpore Municipality. To this Board loans for these purposes have been consistently denied for several years on the ground that the Board is able to finance these works from its revenues. This attitude encourages the Boards to disregard the elementary economic principle that such capital works, from which posterity is to benefit, should be a charge on posterity and should therefore be financed by means of loans which it would fall on posterity to repay.

The Committee of the Chamber also desire to recommend that opportunity should be taken, if possible, to impose more effectually on Municipal Boards the duty of realising to the full within the year of liability all collections of Municipal taxes, sale proceeds and other debts. In this matter it has been shown that audit notes, official communications and remonstrances have in many cases proved quite ineffectual. It is therefore suggested that steps should be taken to amend the Municipalities Act so as to improve the procedure for collection and to compel Boards to employ to the full the powers vested in them under the Act to realise their dues.

#### 4. The Provincial Governments.

The Committee of the Chamber consider that a radical change should now be made in the status, constitution and powers of Provincial Governments, so as to give them, in effect, virtual provincial autonomy, certain precautionary powers being reserved to the Governor and to the Central Government, to be exercised only in case of grave emergency threatening to bring about a breakdown of the administration. On the basis of this general recommendation the Committee prefer to deal with the subject in detail in

accordance with the sub-heads set out in the Appendix to the Invitation to Submit Memoranda.

(a) *Constitution*.—It is recommended that the constitution of the Provincial Governments should be (1) the Governor, (2) a Cabinet of five Ministers and (3) a bi-cameral Legislature consisting of:—(a) a Lower House maintained at the present total strength of the Provincial Legislative Councils, e.g., in the United Provinces, 123; but with no official members save one Parliamentary Secretary to answer for the Governor in his role of a Minister in charge of a portfolio.

The members of the Lower House would be elected by a system of electoral colleges, as previously recommended, but a certain number of seats would be reserved to be filled by nomination by the Governor to represent minority interests which cannot secure representation by means of election. The number of nominated members should be kept as low as possible consistent with the representation of such minority interests.

An Upper House of approximately one-third the numerical strength of the Lower House and composed of elected and nominated members, in the proportion of five elected to four nominated. In this House also there would be no official members, save one Parliamentary Secretary. The elected portion would be returned by direct election on a restricted and comparatively high franchise, uniform with that for the Council of State and not lower than that obtaining for the present Council of State.

The period of life of the Lower House should be four years and that of the Upper House five years. The reason prompting the Committee to make this recommendation, increasing the period of life of the Legislature, is that it has been found in practice that members of the Legislatures who are new to legislative work take time, varying from a year to 18 months to arrive at a proper appreciation of their duties and to settle down properly to their work. By increasing the period the disturbance caused by this fact in the new Legislatures will be considerably reduced.

The period of life of the Upper House should not be coincident with that of the Lower House so as to obviate as far as possible the dissolution of both Houses at the same time.

The Governor and the Cabinet would constitute the Provincial Executive.

In dealing with the question of the Executive the Committee have been much impressed by certain remarks in a memorandum on the subject of "The Executive in Modern Democracies" recently issued by the European Association. In this Memorandum it is stated, *inter alia* :—

"An examination of the constitutional history of France, Spain and Italy in modern times reveals a lamentable and far different state of affairs. In all three countries constitutions based on the outward appearance of the English Constitution have failed completely for the reason that a weak executive was placed at the mercy of the elected legislature, for the weakness of the Executive in Spain and Italy was, and in France still is, due to the fact that owing to the large number of parties the Cabinet was never assured of that first essential of strong Cabinet Government, a certain and stable majority in the Legislature."

"The central and important feature of the English Constitution is the control of Parliament by the Cabinet and not, as many believe, the control of the Cabinet by Parliament."

"In India and England to-day there is a widespread idea that "Responsible Government" and "the domination of the executive by the Legislature" are one and the same, and that, therefore, as "responsible" Government has been promised to India the goal at which we must aim is the control of the executive by the Legislature. A more mistaken idea can hardly be imagined, and if the complete breakdown of Responsible Government in India is to be avoided

## MEMORANDUM BY THE COMMITTEE OF THE UPPER INDIA CHAMBER OF COMMERCE. [Continued.]

this erroneous conception of Government must be dispelled."

"The *sine qua non* of the Cabinet system is "two-party government" and as this is clearly an impossibility in India, either in the Central or the Provincial Legislatures, resort must be had to something like the Presidential system" (obtaining in Switzerland and the United States of America) "if strong, stable and good government is to be obtained."

The Committee of the Chamber commend these remarks to the consideration of the Statutory Commission.

(b) *The working of Dyarchy.*—The unanimous feeling of the Committee of the Chamber is that the dyarchical system has failed and that it should forthwith be abolished. To give detailed reasons for this opinion would be as tedious as it seems to be unnecessary, but the reasons may be summarised in the statement that so far from providing a system of responsible self-government dyarchy has produced complete irresponsibility.

(c) *Position and Powers of the Governor.*—The Governor must continue to be the executive head of the Provincial Government, with his present powers unimpaired, save in that his powers of certification should be severely circumscribed.

The Governor would, under the proposed reformed constitution, call upon any person in the Council, whom he considers to have the necessary support, to form a ministry. The Ministers would be appointed by the Governor in consultation and agreement with the member of the House whom he has called upon to form the ministry. The Governor would preside over the Cabinet and would have a casting vote.

(d) *The position of Ministers in relation to the Governor and Members of the Executive Council.*—With the substitution of a Cabinet system of Government for the present system and the consequent disappearance, in their distinctive capacities, of members of the Executive Council and of Ministers, this question would not arise.

(e) *Relationship of Ministers to each other and the question of collective responsibility.*—It is regarded as very desirable and important that the doctrine of collective responsibility should prevail with a system of Cabinet Government such as is recommended.

But the Committee of the Chamber feel that they cannot lay down a rule on the subject, realising, as they do, that the Legislature is likely to divide, not into two or three parties but into a number of smaller groups, and that the Cabinet will in effect be formed by the coalition of two or more of these groups. In these circumstances the principle of joint responsibility is not likely to be strictly observed.

(f) *The growth of the Party system in Provincial Councils.*—The system of Government per Cabinet must result in a strengthening of the party system, which is regarded as desirable.

(g) *Working of particular departments.*—Speaking generally on this head the Committee of the Chamber hold the view that, probably in most Provinces, and certainly in the United Provinces, the Executive has, since the introduction of the Reforms, been weakened and that the Government, and consequently the working of the various departments, probably with the exception of the Police and the Revenue Departments, has deteriorated. They desire to attach as *Annexure B* to this Memorandum a note on the working of certain of the departments.

(h) *Classification into Reserved and Transferred subjects.*—Having recommended the abolition of dyarchy the Committee of the Chamber consider that this point does not arise.

(i) *Desirability of a Second Chamber.*—The Committee of the Chamber consider that there should be a second Chamber, to be the Upper Chamber of the

Provincial Legislatures. This point has already been covered above, under sub-head (a) "*Constitution.*"

It is recommended that the members of the Upper Chamber should have a distinctive title. The Upper Chamber should have the power to initiate legislation and should also be a revising chamber to exercise a restraint on the Lower Chamber. The members of the Upper Chamber should mainly be persons with a real stake in the country.

In regard to the composition of the Upper Chambers it has already been recommended that these should consist of elected and nominated members in the proportion of 5 to 4. It is specifically recommended that in the United Provinces the Upper House should consist of 40 members, of whom 22 would be elected and 17 nominated by the Governor from among suitable non-officials, at his discretion, with one official to act as Parliamentary Secretary. Commerce should be entitled to elect two members, one each for European and Indian Commerce, the constituencies being the Upper India and the United Provinces Chambers of Commerce.

(j) *Question of Provincial Autonomy.*—The Committee of the Chamber, in the preamble to this head, have already recommended that virtual Provincial autonomy should be granted.

(k) *Finance of Provincial Government and Financial control.*—The Committee of the Chamber, in dealing with this sub-head, feel that they cannot do more than recommend that complete control of provincial finances should be given to Provincial Governments, subject to the Governor's veto, and to severely circumscribed powers of certification by the Governor in emergent cases. The powers of taxation by Provincial Governments should of course be definitely laid down in the Government of India Act, as at present provided for by section 80A (3) (a) of the Government of India Act, 1919, and the Scheduled Taxes Rules and schedules 1 and 2 thereof.

The Local Government Borrowing Rules, under section 30 (1) (a) of the present Government of India Act, should be maintained. Powers similar to those at present provided by the Reservation of Bills Rules under Section 81 (a) of the Act should remain, with suitable changes consequent on the proposed abolition of dyarchy and the disappearance of the distinction between transferred and reserved subjects.

(l) *Financial Relations between Reserved and Transferred sides of the Government including the question of the Joint and Separate Purse.*—Under a system of Cabinet Government such as is proposed this question would not arise.

(m) *Provincial Public Services Commissions.*—Although this subject is not touched upon in the Appendix to the Invitation to Submit Memoranda, the Committee of the Chamber consider it incumbent on them to state that in their opinion some form of machinery should be devised for controlling recruitment to Services other than the Superior Services. This machinery should be on the lines recommended by the Royal Commission on the Superior Civil Services in India, 1924 (the Lee Commission), in para. 26 of their Report.

A permanent salaried Chairman to have charge of the Selection Board should be appointed by the Governor in consultation with the All India Public Services Commission. This Chairman should have complete power to select his own Board.

All appointments should be made in the name of the Governor, who should have the ultimate power of revision.

The decisions of the Selection Board should not be over-ruled by Ministers, as is at present the case with selections made by *ad hoc* Selection Committees.

Promotions or posting of such important officers as Commissioners and District Magistrates, and in fact, the promotions and postings of all officers of the Superior Services, should remain the special charge of the Governor.



## MEMORANDUM BY THE COMMITTEE OF THE UPPER INDIA CHAMBER OF COMMERCE. [Continued.]

5. *The Central Government.*

The Committee of the Chamber desire to confine their remarks on the specific subject of the Central Government to the recommendation that there should be no change in the Central Government, unless it be in the direction of improving and increasing the power of the Executive. They have already quoted certain remarks contained in a memorandum on "The Executive in Modern Democracies," and these have a special bearing on the Central Government.

For the rest the Committee of the Chamber prefer that the question of the Central Government should be dealt with by the Associated Chambers of Commerce.

6. *Relations between the Central Government and the Provincial Government.*(a) *The extent of the power of superintendence, direction and control to be exercised by the Central Government.*

Having in view the fact that the Committee of the Chamber have recommended the grant of provincial autonomy it follows that they must recommend that certain restrictions at present imposed by the Government of India Act, which obviously are antagonistic to provincial autonomy, must be relaxed.

As all Provincial Subjects would, under the Committee's proposal, be transferred, the relaxation of the Secretary of State's powers of superintendence under section 19A will automatically apply to all Provincial Subjects.

Section 45 (1) of the Government of India Act, which lays down that Local Governments are obliged to obey the orders of the Governor General in Council and to keep him constantly informed of all matters relating to the Government of the Province, must be maintained. Such powers, as are imposed by section 81A, whereunder the Governor of a province must, or in some cases may, reserve a Bill for consideration by the Governor General should also be maintained.

Discretionary powers should be given to the Governor General under section 46 (3) to revoke or suspend Provincial (Executive) Councils, subject to the proviso that the Governor General may at his discretion reserve orders pending the decision of the Secretary of State. The references above to the Executive Council would, if the Committee's recommendations are accepted, apply, *mutatis mutandis*, to the Provincial Cabinets, which it is intended shall take the place of the Executive Councils.

The Governor should himself have powers to suspend his Cabinet, pending the decision of the Governor General in Council.

The present powers of a Governor to dissolve his Legislative Council should be maintained in regard to both the Provincial Lower and Upper Houses, but it is thought desirable that over-riding powers in this direction should be vested in the Governor General in Council.

In the event of the Governor, or the Governor General in Council, dissolving the Legislature all powers vested in the Legislature should vest in the Governor during the ensuing six months or such shorter period as may be necessary pending the election of a new Legislature.

It is further recommended that in a case of grave emergency the Governor General may, subject to the approval of the Secretary of State, entirely suspend a Provincial Administration for an indefinite period, and make such directions for carrying on the Administration as may be suitable.

Dealing specifically with certain of the present powers of supervision and control the Committee desire to make the following recommendations, some of which have already been made :—

The Local Government Borrowing Rules under section 30 (1) (a) of the present Act should be maintained.

In regard to the following rules under the *Devolution Rules* it is recommended that :—

Rule 6, which makes it a duty of a Local Government to supply information to the Governor General in Council, should be maintained.

Rule 12 (a), regarding roads and other means of communication of military importance, should be maintained.

Rules 46 to 48, governing the employment of the agency of the Governor in Council by the Governor General in Council in the administration of Central subjects, should be maintained.

Rule 49, limiting the power of superintendence, direction and control over a local Government, vested in the Governor General, in relation to transferred subjects would now apply to all provincial subjects and should be maintained. In view of the importance of a general co-ordination of provincial activities, especially in such matters as health, roads, electricity and irrigation, the Committee of the Chamber are disposed to agree with the Muddiman Committee (*vide* their Report, Para. 48) that the contemplated transfer of all subjects may necessitate reservation to the Central Government of somewhat greater powers of supervision and control than the existing rule 49 would give.

Rule 13, which states that, save in the case of transferred subjects, nothing in the *Devolution Rules* derogates from the power of superintendence, direction and control conferred on the Governor General in Council by the Act, would cease to be operative.

Rule 27, giving powers to the Secretary of State and to the Governor General in Council to sanction expenditure on certain transferred subjects detailed in Schedule 3 should remain, but the Schedule would need to be altered.

The *Scheduled Taxes Rules* should remain, but it might become necessary to extend Schedule 1. This, however, is a point on which the Committee of the Chamber are unable to make a specific recommendation as it is a part of the question of financial relationship which they would prefer to see examined by an expert committee. In regard to Schedule 2, however, the recommendation has already been made that this Schedule should not be extended.

The *Local Legislatures (Previous Sanction) Rules*, under section 80A(3)(b), should remain. In this connection it is recommended that all enactments dealing with industrial matters should be included in the Schedule to these Rules.

The *Reservation of Bills Rules*, under section 81(a), should remain, with suitable changes consequent on the proposed abolition of dyarchy and the disappearance of the distinction between "transferred" and "reserved" subjects.

The *Rules regarding the Civil Services in India* should remain.

(b) *Classification of subjects as Central and Provincial.*

The proposal of the Committee of the Chamber to transfer all reserved subjects in the Provinces will necessitate a very definite delimitation of the boundary between Provincial and Central subjects.

The present *Devolution Rules* in the Government of India Act show, in Schedule 1, the subjects which are at present Provincial. The Committee of the Chamber recommend that these should not be added to.

Of the present Provincial subjects the question whether "Law and Order" should continue to be a Provincial subject or should be reserved to the Central Government has been the cause of much anxiety and discussion in the Committee of the Chamber. Included under this head is the subject of the Police which has in the past been the one which more than any other has been attacked in the Provincial Councils. Having been a reserved subject these attacks have been successfully met, and supplies, which have been refused in certain

## MEMORANDUM BY THE COMMITTEE OF THE UPPER INDIA CHAMBER OF COMMERCE. [Continued.]

Provinces for carrying on the work of the Police, have been restored by certification. Without this remedy the Police administration would have collapsed with the immediate result of chaos. It is certain that the subject of Police will continue to be one for acute criticism and it is feared that in the future attacks similar to those in the past will continue to be made. Now that it is proposed to transfer all Provincial subjects the gravest apprehension is felt as to the wisdom of leaving "Law and Order" including the Executive Magistracy and the Police as a Provincial subject, not only from the point of view of the probable refusal of supplies, but also from that of the efficiency of the services and of maintaining the confidence of the Officers, who, if called upon to exercise their duties to the utmost and take a strong hand, might be subjected to personal attacks and victimization. It is considered to be most important that no opportunity whatever should be afforded for lessening the morale of these services, or of reducing the confidence of the Officers that they will be backed up by the Administration in carrying out the duties enjoined on them. It is also in the highest degree necessary that the services of the Police should be immediately available in an emergency without hesitation and without the delay which might result if the actions of the Police or Executive Magistracy were liable to be visited on the head of a politician Minister in charge of the Department. At the same time the Committee of the Chamber feel that the subject of "Law and Order" could not be successfully administered as a Central subject, even by agency means, and the withdrawal of this subject from among the Provincial subjects would certainly be regarded as a considerable negation of the principle of provincial autonomy.

In the circumstances the Committee consider that the only solution of the problem lies in the recommendation that "Law and Order" should remain a Provincial subject, but that the portfolio for this Department should be with the Governor, who, in administering it, shall himself function as a Minister. For obvious reasons it is impossible that the Governor himself shall appear in person to answer to the Legislature on questions affecting "Law and Order" and it is therefore further recommended that, in his capacity of Minister, the Governor shall be represented in the Legislature by a senior official, acting as a Parliamentary Secretary. The Governor's powers of veto should extend to "Law and Order" as to other matters, but his powers of certification, which it is recommended shall be severely circumscribed, should certainly apply to "Law and Order."

The Committee realise that this preservation of the power of certification is in itself incompatible with the principle of provincial autonomy, but such incompatibility, in the case of "Law and Order" appears to be entirely unavoidable, since the matter, involving as it does grave issues of peace and tranquillity, life and death, is far too serious to expose to the dangers of an unwise experiment.

(c) *Financial relationship between the Central and Provincial Governments including the Meslon Settlement.*

The Committee of the Chamber feel that this question is far too complex and specialised for them to be able to offer any useful opinions. They also realise the contentious nature of the subject and that localised opinions must of necessity be to some extent selfish and widely variant. They therefore feel that, actually, this is a matter for special consideration by an expert Finance Committee, working under or with the Statutory Commission. It may be that if this suggestion is adopted, and if in the future this expert Committee issues a questionnaire dealing with specific points coming under this sub-head the Committee of the Chamber may be able to assist with their opinions.

7. *The Courts and the Judiciary.*

The Committee of the Chamber feel that they cannot assist with any opinion on this subject.

8. *The Constitutional Problem.*

The Committee of the Chamber, realising that the subjects indicated under this head are of the first importance to Commerce and Industry in India consider that they could be more appropriately dealt with by the Associated Chambers of Commerce as a whole, than by individual Chambers.

9. *The relationship between the Central Government, the Secretary of State and the British Parliament.*

The Committee prefer to leave this question also to the Associated Chambers of Commerce.

10. *The position of the Services.*

The Committee of the Chamber feel that they cannot, in treating this subject do better than refer the Statutory Commission to the opinions expressed by the Chamber in a letter dated the 12th December, 1923, to the Royal Commission on the Superior Civil Services (the Lee Commission). A copy of this letter is accordingly attached as *Annexure C* to this Memorandum. The opinion of the Chamber in regard to the Services has in no way altered since 1923.

To the opinions then expressed the Committee of the Chamber desire to add the specific recommendation that all Essential Services should be under the control of the Central Government and that the salaries of officers in these Services should be non-votable.

11. *The Growth of Education.*

The Committee of the Chamber appreciate that this subject is among the most important of those into which the Statutory Commission is to enquire. It is noted that a special announcement as to this branch of the enquiry is to be made and that a special Committee has been appointed to deal with it. If this special Committee should see fit to require the detailed views of the Chamber on any specific points connected with education in these Provinces these details will, as far as possible, be gladly dealt with.

Meantime the Committee of the Chamber desire to offer the following general observations:—

It is incontestible that among civilised nations India is probably the most backward in its general education. The reasons for this are several and complex, but it may be stated as a widely demonstrated fact that in India, speaking generally, there is no desire for primary education. The difficulties in imparting primary education are greatly increased by the fact that, owing to the almost complete illiteracy of women there are no female teachers available to fill the function which has been found so essential in other countries of imparting elementary instruction in the home or in primary schools. When the mother of a family is herself entirely illiterate and when anything in the direction of the general spread of education is actually discouraged among the women of the poorer classes, which comprise the vast majority of India's population, the problem becomes difficult almost to the point of hopelessness.

In regard to the growth of education in India and particularly in these Provinces the Committee of the Chamber are privileged to quote from a note prepared by an Indian member of their body. The full note is also attached as *Annexure D* to this Memorandum. Particular attention is invited to the remarks in this note on primary education, in regard to which the specific conclusion arrived at is that "it is clear that primary education as at present carried on is worse than useless and no real progress can be made until considerably larger amounts of funds are available."

The general conclusions are as follows:—

"Taking an unbiased view of the whole situation, one is forced to the conclusion that, so far as University



## MEMORANDUM BY THE COMMITTEE OF THE UPPER INDIA CHAMBER OF COMMERCE. [Continued.]

and Secondary education go, there is no great need for expansion at the present moment, but the question of Primary Education deserves the serious consideration of all well-wishers of the country. The appalling illiteracy of the masses is retarding progress in every direction and is bound up with many of the economic issues which call for solution. But without funds it is impossible to do much more than what is being already done. The question therefore is purely one of rupees, annas and pies.

It has been urged in some quarters that Government has adopted a very parsimonious policy in respect of education. This charge is not borne out by facts. By far the major portion of the expenditure on education is being found by the Provincial exchequer. There seems no reason why local bodies should not raise, by additional taxation, funds to be spent on the expansion of primary education. The question of introducing compulsory education by a local option was first mooted by the late Mr. G. K. Gokhale in the year 1911. Mr. Gokhale's dream has materialised in so far that eight provincial legislatures have placed on their statute books Primary Education Acts. It does not redound to the credit of local bodies that they have not taken full advantage of the facility offered by these Acts. It is clear that Government cannot do much more. It is now for the people themselves to find the wherewithal for bringing about educational expansion which has been the subject of so much discussion in the past. The stage has now been reached where "deeds" and not "words" are wanted. One cannot help sounding a note of warning against the tendency to cheapen education regardless of efficiency. It seems to be a common idea that education consists merely of cramming certain books and of passing certain examinations. Little regard is paid to the question of development of character and physical training. A young man with the finest degrees in the world, who has paid no attention to the building of his character and to keeping himself physically fit, will be of very little use in fighting life's battles. It is important that special attention should be given to these two matters, otherwise the products of our schools and colleges will not prove to be useful citizens. We have amongst us thousands of young men whose education began in words and ended in words and when they settle down in life they find that they have nothing to fall back upon. The whole trouble is that they have been educated away from life and they do not understand what is educating for life. They have been taught the contents of a certain number of books, but they have not been taught how to better their own living conditions. They do not even know how to earn their own living, except perhaps by teaching to others the words which have been taught to them, or by swelling the ranks of those without whose assistance the great occupation of litigation would be impossible. We do not understand, in this country, that the first and foremost duty of every man in this world is that he should be able to earn his own living. True education must turn a man's mind towards work and not away from it, and should enable better living being earned not only for himself but also for those about him. Our education unfortunately only increases our dependence on others. There can be no greater condemnation of our present system of education, but the fault lies with ourselves and no system of Government, however benevolent, can help those who cannot help themselves."

## ANNEXURE A.

COPY OF A LETTER DATED 13TH AUGUST, 1924, FROM THE UPPER INDIA CHAMBER OF COMMERCE, CAWNPORE, TO THE SECRETARY, REFORMS ENQUIRY COMMITTEE, SIMLA.

The Committee of the Upper India Chamber of Commerce understand from the Associated Chambers

of Commerce that the Reforms Enquiry Committee are prepared to receive evidence, in the form of memoranda, from individual Chambers, members of the Associated Chambers of Commerce.

The Committee of this Chamber accordingly desire to be permitted to offer the following observations on the questions which are the subject of investigation by the Reforms Enquiry Committee.

My Committee do not propose to go into details but to express their views in general terms.

In November, 1918, the then Committee of the Chamber criticised the proposals contained in the Montagu-Chelmsford Report on Indian Constitutional Reforms.

In doing so they emphasised certain points whereon the recommendations contained in the Report failed to meet the ideals which the Chamber had set as to the reformed system of Government. These ideals were not subsequently reached by the Government of India Act, 1919, and it must therefore be plainly stated that the present system of Government is not regarded as satisfactory by the Members of this Chamber. But however this may be the scheme of Government, as drawn up by the Government of India Act, 1919, undoubtedly showed promise of success, if fairly worked, and was accordingly accepted with all loyalty. Any doubts as to its working were met by the fact that in fixing a period of ten years for the trial of the scheme, with a promise of revision in 1929, Parliament had ensured that the experiment would be given a fair trial and would not be hastily judged at too early a stage in its course.

These anticipations have unfortunately not been fulfilled. The scheme has met with determined opposition from the day it came into operation and it has certainly not been given a chance to prove itself.

In these circumstances it is entirely premature at this stage to form an opinion as to its success or failure.

My Committee are of opinion that improvements can be effected, within the terms of the Act, by adjustments in the system of working but they are emphatically and entirely opposed to the introduction, at this immature stage of the experiment, of any change in the terms of the Act or of any alterations in the rules, save those which would assist in the smooth working of the Act.

It is not necessary for my Committee to touch on the present unrepresentative electorate. The facts concerning this are notorious and it is not possible to effect any real improvement until the universal spread of education makes India ripe for an electoral system which has been forced upon her at a time when she is unprepared for it.

But it is necessary strongly to emphasise the need for maintaining the communal system of the representation of minorities which the unassailable logic of India's present circumstances has rendered indispensable.

In this connection the claim for the representation of European commerce on the Legislative Assembly must again be given prominence and in urging adequate representation for this important interest my Committee desire to make it clear that there must be no diminution in the already inadequate representation of the European Community.

As far as may be consistent with the recommendation herein made that there should be no change in the terms of the Government of India Act, my Committee again advance certain recommendations which they put forward in November 1918, and the need for which is, in their estimation, even more pressing now than it then was. They then wrote:

"Financial devolution of Provinces."

"The conclusions arrived at in the (Montagu-Chelmsford) Report as to the necessity for the increased autonomy of the Provincial Government, the complete repatriation of revenues and the abolition of divided heads have the support of the Chamber, but the methods suggested for meeting this demand

## MEMORANDUM BY THE COMMITTEE OF THE UPPER INDIA CHAMBER OF COMMERCE. [Continued.]

in the Imperial Budget in paragraph 206 of the Report are felt to be most inequitable and the Committee are of opinion that some better method of arriving at a settlement must be devised whereby any one province will not be unduly favoured at the expense of others. A *per capita* basis seems the fairest solution.

#### "Provincial Legislatures."

"The Committee of the Chamber are of opinion that the Report has entirely ignored the strong and irresistible claims of the European Community to representation on the Provincial and Imperial legislatures in their own right, in the right of their material interests in the country, which are admitted to be out of all proportion to their numerical strength, and in the right of the part they have played and must continue to play in the maintenance of peace and prosperity in India.

The Community, as such, cannot be adequately represented merely by the medium of specialised bodies such as Chambers of Commerce. These bodies merit and must claim separate representation but not at the expense of the Europeans at large. Indeed, with the introduction of enlarged Councils the claim of Chambers of Commerce to proportional increased representation is essential, not only in the Provincial Council but in the Imperial Legislative Assembly.

The suggestion that the European Community should be represented by nomination—itsself a temporary expedient which it is avowedly intended to abolish—cannot find acceptance for a moment. Communal representation, in spite of all that the authors of the Report say against it, is absolutely necessary and my Committee strongly recommend that this fact should be recognised and arrangements made for the adequate representation on the Provincial and Imperial Councils of Europeans, Anglo-Indians, Parsees, Indian Christians and other minority communities."

In amplification of these remarks it may be said that the European Chambers of Commerce, while representative of European Commercial opinion, do not represent European communal opinion. These Chambers include Indians in their body and in many of them a certain proportion of Indians is on the Committee of the Chambers. The need for the separate representation on the Legislative Assembly of European communal interests and of European commercial interests is therefore clearly established. This need has been recognised, though inadequately, in the case of the Provincial Councils and the case for the extension of this principle to the Assembly is, in the opinion of my Committee, irresistible.

#### ANNEXURE B.

##### NOTE ON THE WORKING OF CERTAIN GOVERNMENT DEPARTMENTS IN THE UNITED PROVINCES.

##### Industries Department.

It is well known that this Department has failed so far to justify its existence. Broadly speaking the Department has failed effectively to assist the development of any industries. So far as major industries go, they are independent of the Department, but one might have expected that there would have been some expansion or development of the cottage industries of the Province as a result of the efforts of the Department. These hopes have been entirely falsified. A reference to page 75 of the Administration Reports of the United Provinces for 1926-27 will show that the activities of the Department have shown no tangible results, except perhaps in respect of industrial education. The recommendations of the Holland Commission, which were the results of very exhaustive enquiry and thorough deliberation by men of such eminence as Sir Alfred Chatterton, Sir Dorab Tata, Sir Fazulbhoj Currimbhoy, Sir Rajendra Nath Mukerji, and Sir Horace Curzon Plunkett, have under the Reforms been consigned to the waste paper basket. The Reformed Government has continued to blunder

through in its own peculiar way. The Legislatures do not understand the fundamental principles governing the development of industries. The position of the Director of Industries under the Reforms has been a very difficult one. His staff consists mainly of men who are not at all qualified to be entrusted with the task of developing industries. If, however, the Director got together material from various outside sources and drew up a practical scheme, his recommendations have, in the majority of cases, been turned down by the Government. The Board of Industries has wasted its time on matters of no consequence.

##### Co-operative Societies.

The Co-operative movement in the Province has not made much headway under the Reforms. There has been very little progress and the efforts of the Department are reported to have been concentrated rather on the elimination of bad societies and the stabilization of good ones than on any increase in the spread of the movement. Liquidation proceedings have increased and several prosecutions have had to be undertaken for embezzlement. The Agricultural Credit Societies have failed to inspire confidence in those for whose benefit they exist, and the village *bania* still rules supreme. Non-Agricultural or industrial societies intended for the benefit of cottage industrialists have had a very disappointing past. There are only a very small number of such societies in the Province and even these are not faring well. The Departments of Industries and Co-operative Credit should, under a common Minister, have joined forces to bring about a real development of cottage industries but next to nothing has been done.

##### Agricultural Department.

So far as teaching and research go, the Department seems to have done well, but there is a common complaint against the Department that a good deal of its work is incapable of being turned to practical account. It is common knowledge that many of the Department's demonstration farms are not paying. The Department is now empowered to grant loans for a variety of purposes connected with agricultural improvement, including the construction of permanent wells and the purchase of cattle and power machinery. During the year 1926-27, a sum of over 3 lakhs was granted as Taqavi on the recommendation of departmental officers; and a further sum of Rs. 3.2 lakhs was advanced for the purchase of seed and implements. This sum is disproportionately small, considering the extent of the Agricultural interests involved. In a recent article, the well-known Bombay Agriculturist, Dr. Mann showed that the economic prosperity and health of the masses depend very largely on the cattle. The activities of the U.P. Department of Agriculture in regard to cattle breeding have so far been a negligible item. The Department maintains two cattle farms, one at Madhurikund and the other at Manjhra. During the year 1926-27 the Madhurikund Farm maintained 517 head of cattle and issued 196 bulls, the corresponding figures for the Manjhra Farm being 383 and 66 respectively. The Report of the Royal Agricultural Commission is awaited with great interest but there seems no doubt that, unless and until there is a marked improvement in the stock of the cattle, agricultural progress will not be satisfactory. Credit for whatever has been achieved by the Department is due entirely to its Director, Mr. G. Clarke. One may safely say that he has not received much constructive assistance either from the legislature or from the Minister in charge.

#### ANNEXURE C.

COPY OF A LETTER DATED 12TH DECEMBER, 1923, FROM THE UPPER INDIA CHAMBER OF COMMERCE, CAWNPORE, TO THE CHAIRMAN, ROYAL COMMISSION ON THE SUPERIOR CIVIL SERVICES, CAMP, INDIA.

In response to the request communicated through the Chief Secretary to Government, United Provinces,



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the Superior All-India Services. They do not in any way favour the provincialisation of any of these Services, nor can they in the time at their disposal, go into the question of relegating certain specialised appointments in the present All-India Services to the Provincial Services. They are prepared to admit

that there may be some appointments the status of which can be reduced without reducing the attractiveness of the All-India Services to recruits. But they deprecate anything which can be construed as a desire to pluck the plums of these All-India Services and pass them on to the Provincial Services.

## LUCKNOW.

Dated 7th December, 1928.

## AFTERNOON.

### PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND), AND OF THE UNITED PROVINCES PROVINCIAL COMMITTEE.

### Deputation from the UPPER INDIA CHAMBER OF COMMERCE, Cawnpore.\*

The Deputation consisted of :—

1. Mr. A. L. Carnegie, President, Upper India Chamber of Commerce.

2. Mr. T. S. Gavin Jones, M.L.A.

3. Mr. E. M. Souter, M.L.C.

4. Mr. J. G. Ryan, M.B.E., V.D., Secretary, Upper India Chamber of Commerce.

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1. *Lord Strathcona* : We have got as far as page 369 in the memorandum. We have got there sub-head (b), "The working of diarchy." Therein you say, "The unanimous feeling of the Committee of the Chamber is that the diarchical system has failed and that it should forthwith be abolished." Then you go on to say, "So far from providing a system of responsible self-government diarchy has produced complete irresponsibility." Is not that rather a strong statement to make, Mr. Carnegie? Would you care to qualify that statement in any way or elucidate it or elaborate it? You say diarchy has produced complete irresponsibility?—(*Mr. Carnegie.*) I admit that "complete" is rather a sweeping statement.

2. You are of the opinion that it does not give the ministers in charge of the transferred departments a really good chance?—I will ask Mr. Gavin Jones to reply to that question. He has a personal knowledge of the working of the legislature. (*Mr. Gavin Jones.*) We would like to qualify that in a way by saying that we do not think that the Montford scheme has failed entirely due to diarchy but because the responsible side of the Government was not given any responsibility at all. In our new proposals we have stated that they would be responsible for everything except Law and Order. They control finance and they would not as they do now depend on the official *bloc*. They will have to maintain their own party in the House and the position then even under diarchy would be very different.

\* \* \* \* \*

11. Then the next question I ask you is this. We pass on to a very detailed and clearly set out paragraph on Law and Order on page 370. And on page 371 towards the end of that paragraph you say : "In the circumstances the Committee consider that the only solution of the problem lies in the recommendation that 'Law and Order' should remain a provincial subject, but that the portfolio for this department should be with the Governor, who, in administering it, shall himself function as a minister."

Then you go on to say : "The Governor shall be represented in the legislature by a senior official, acting as a parliamentary secretary" to answer for the Governor in the legislature. Do you not think that it will be a very great strain on the Governor who has got in addition other departments to administer?—(*Mr. Gavin Jones.*) It would be a strain, certainly, but not a very great strain. We do not think it is impracticable and we see no other way out of it, because we have definitely said that the police should not be centralised. We certainly do not favour transferring it to a minister responsible only to the autonomous legislature.

12. I take it your view is that though it is a provincial subject, you think the best thing would be that it should be administered by the Governor with a parliamentary secretary acting as his spokesman in the legislature?—Yes. The position will be very much the same as it is now. The Inspector General will be in the House to answer all questions as also the secretary. Perhaps the secretary will be there to answer all the questions and for all practical purposes he would be an ostensible minister, but the responsibility would be with the Governor, and really, as a matter of fact under the present circumstances, the Governor, being the head of the executive, is responsible in practice, and it works out very much to the same thing.

13. *Chairman* : May I just ask this question?—I am not sure I have appreciated this document in one respect. You say at the bottom of page 368 and at the top of page 369 in effect, that you feel the importance of securing that the executive of a province should be strong. That is right; is it not?—Yes.

14. I think that fairly expresses your general view. You think this is a country in which the executive should be strong?—(*Mr. Ryan.*) We felt that, Sir, but we could not put the implication more clearly than was offered in this note from which we quote.

15. Then you say at the bottom of page 369, sub-head (g), "The executive has, since the introduction of the reforms, been weakened," which I imagine means

\* The deputation was also examined during the morning of 7th December, 1928, but the report of this meeting has not been printed.

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[Continued.]

that you think that the influence of the legislature on executive administration has tended to make the executive government less firm? Is that your view?—(Mr. Gavin Jones.) Our view is that the Government has been weakened owing to the fact that the executive has been heckled in the legislature and it is continually being heckled and being made responsible to answer questions in the House. That is our opinion, and we believe that is the main reason why the executive has been weakened.

10. Because of heckling and pressure?—Yes. The executive are always in the House and their mind is always on the legislature. They are not expert politicians and they are worried by any individual and that has a great tendency to weaken the executive.

17. So far I follow your view. Now then I want to see if I follow quite clearly the line of remedy which you suggest. You say on page 368 and again on page 369 that the view of your Chamber is that there ought to be in effect in the provinces what is called provincial autonomy. I have not forgotten your special provision about Law and Order, but that is your general view?—Yes.

18. Do I understand that would mean this, leaving aside Law and Order the heads of all other departments dealing with provincial subjects would be ministers?—That is so.

19. Well then, the ministers would be members, would not they, of the council?—They would be supported by their party.

20. They would be members?—That is so.

21. What is not quite clear to me at the moment is how the new scheme that you sketch out in your view will produce the strong executive which you desire, since you think the present executive is weakened by the fact of constant questions in the council. Will the ministers be questioned just as before?—They will be; but they should be, if parliamentary government is carried out in a proper way, as it is not now, supported by a strong party in the House to be able to stand up against criticism.

22. When you say executive, you mean permanent officials?—Yes.

23. What is in my mind is this. In the English parliamentary system, while we have not got permanent officials in the House of Commons, we have got of course the political head of the department who is bound both by constitution and practice and as a matter of honour and good faith to stand the whole racket of parliamentary criticism for his officials?—That is exactly what we want, because then the expert politician in the House should defend his executive, whereas in the present case the executive are up there to defend themselves. I am talking about the permanent official.

24. I quite understand that when you use the word "executive" you mean permanent official?—Yes.

25. It really comes to this; you think that permanent officials ought not to be part of the provincial council and you think that if they were excluded and the council contained the ministers who are the chiefs of the departments that will tend to strengthen the executive?—That is the view, provided parliamentary government is going to be stable. We feel that it should be given a trial.

26. Then the other point is this. You think that if you were to build up the council by indirect election through electoral colleges, you would produce a membership that is more likely to act in the direction which promotes stable government?—We hope so, Sir.

27. Of course, there is another reason which may be urged for this method of indirect election and indeed I think it has already been mentioned. It is the reason that is suggested both on account of the vast size of the country and therefore the mechanical difficulty of getting direct election effectively carried through and the fact that at any rate at present such a very large proportion of the population is comparatively ill-informed of political affairs?—That is so.

28. That has got nothing to do with direct strengthening the executive, but it might be urged, I suppose, as a reason for using indirect election. As you say, it is easy to imagine that in a group of villages you would constitute the primary unit of panchayats and that the panchayats would then themselves be constituents to elect district boards and so forth?—(Mr. Ryan.) It would undoubtedly spread to those who would be in the lowest rank of electors a far better feeling than now prevails as to the use of their vote; the fact that they have a mandate in the House and that they could use it. At present with an electorate for this council of 3·5 per cent. it can hardly be said to be representative, whereas if it were built up from the lower grades—and remember, Sir, we have always insisted that in that lowest grade there shall be quite a fair percentage of literacy—the feeling would come home quicker to that lowest grade of elector that he is represented in the House by a person for whose election he has, however indirectly, been responsible, and whom he may on a future occasion hold responsible for failure.

29. There is only one other thing. Going back to that really very interesting quotation of yours at the bottom of page 368 and the top of page 369, it is a quotation which contrasts the method which can be followed in a country where there are strong parties like England with the methods which have been followed in some other places. The second method you call, or rather this quotation calls, the "presidential system." I suppose one characteristic of the presidential system is this, is it not, that though the minister is chosen because it is believed he has the support of a body of elected members, still when he is chosen and appointed, he is not liable by some snatch vote or some censure to be unseated from his position as minister? That seems to be what one means by "presidential system"?—Yes, security of tenure of office.

30. Of some sort or kind?—Yes.

31. I do not know if you gentlemen will point out whether the Indian conditions may make it necessary to secure a stronger executive, while at the same time you have a representative legislative body. I do not know whether you gentlemen at all contemplate that ministers should have any sort of security of tenure beyond what they have now?—We discussed that point and we found it very difficult because we saw certain evils in guaranteeing them an assured security of tenure of office.

32. Yes, there are difficulties; but if you are really trying to apply the British parliamentary system expressed in this epigram that it is the Cabinet that controls Parliament and not Parliament that controls the Cabinet, you should consider this question as to whether ministers will have more security of tenure. I think one way of applying the phrase in England will be this. It is quite true that a man appointed as a Cabinet Minister in England theoretically is liable to find himself turned out by a House of Commons' vote. No one imagines that the man would remain a Cabinet Minister if the House of Commons passes a vote of censure on him. But in fact it does not happen. It does not happen because our system at home, you know, is one which gives the man who is appointed a Minister a pretty sure prospect that he is now going to have the opportunity of running his department during the life-time of the legislature. It seems to me to be important. I want to know whether you have considered this. In order to secure a strong executive, do you think you ought to consider whether it might be secured by some method which gave the ministers some better security of tenure than they would otherwise have?—I am afraid we have to avoid the responsibility for expressing a definite opinion on that, and the best we can say now is, there is the quotation put before you with the recommendations, "look at this and do your best."

33. You commend the remarks?—Yes.

33A. Lord Burnham: Is there not another aspect of the presidential principle which you may imply?

The presidential principle is as a rule carried through plebiscite rather than parliamentary sanction?—Quite so.

34. You are thinking of the plebiscite principle?—I do not think we are wanting to welcome that at all.

35. The election to the United States is virtually by a plebiscite?—It is a very difficult thing in a country like this.

36. What you were thinking was the plebiscite as opposed to parliamentary selection, is it so?—We have not considered that. We left that to you. (Mr. Garin Jones.) We do not see how it could be applied to India.

37. I want to ask you one or two questions in regard to the indirect system of election through electoral colleges which I know you support. The first stage is the panchayat, is it not?—That is right.

38. The difficulty that suggests itself in that regard is this. We have it in evidence and by documentary statements that in several provinces of India, notably in Bombay, the panchayat system hardly exists at present?—It is no reason why we should be discouraged because we hold a definite opinion. We feel that the machinery does exist in certain provinces. We are not acquainted with the conditions in Bombay, although we have been informed that in Bombay, by reason of the existence of the *ryotwari* system, the ground is really more favourable for the panchayat system than it is up here.

39. Lord Burnham : I was trying to suggest to you that there might be some substitute as a first step. In France, for example, the mayors of the communes who correspond to the village community here go to the electoral colleges. Therefore, it might be possible even where there was no panchayat for the headman of the village community to go to an electoral college. Is that a possibility?—A possibility, certainly, where it does not exist, but it must always be remembered that such a thing in this country is complicated by the communal question. Where there is a panchayat the communal question might be met. I do not see it quite being met by the *patels* or village headmen functioning as first grade electors.

40. Then it will involve—I dare say it is possible—the universal adoption of the panchayat in the different provinces for this purpose?—We would definitely like to see it.

41. Yes, I was trying to get it out?—Yes, quite so.

42. Do you hold that by means of this interlocking system there would be really greater responsibility on the part of the elected members, by indirect election, than there is on the part of elected members under the direct system?—Any change would be for the better, Sir, because we cannot see that there is any responsibility on the part of an elected member to his so-called electorate to-day.

43. You think so from personal experience?—From what we have been informed and what we have seen.

44. Then, may I ask, in view of the stress laid on this in the Montford report, whether you think it possible that the individual elector might feel a greater sense of participation in this way than he does now when he is dealing with the vast unknown?—We feel it would be hopeful, Sir. It would be hopeful in that direction.

45. And that it might help local self-government to a greater extent in some cases?—That is possible.

46. It has been suggested that this system would be open to manipulation and corruption in regard to the men who would be the electors in the last stage?—That is always a probability in this country.

47. Do you think the opportunities for corruption would be greater than they are now?—I would not care to express any opinion on that.

48. In your opinion, in the opinion of your Association, it would be better than the present system?—Yes, Sir.

49. You think you will get, by this means, men who would be more truly representative?—We can always be hopeful, Sir.

50. There is only one other subject on which I want to ask one or two questions. In regard to the Second Chamber you propose, I understand, one-third of the size of the First Chamber. What I wanted to ask you was whether you do not think there is a danger, to judge from analogy, of too much trust being put in the resisting or the moderating power of the Second Chamber and therefore diminishing responsibility in the First Chamber, and possibly in the Governor himself?—That is a contingency we have not thought of, but even with that we feel that it is worth trying.

51. Do you think there are enough men of the right sort to constitute the legislative councils and Second Chambers in the province?—Yes, there are, definitely.

52. Mr. Hartshorn : I would like to ask a few questions on this subject which Lord Burnham was dealing with. It seems to me that this proposal which strikes at the existing franchise and the existing constituencies in rural areas is a bit of a revolutionary proposal, a complete change?—It occurs to us as being a sensible dismantling of an unsatisfactory structure.

53. Put it that way if you like. You are just proposing to dismantle the whole edifice that has been erected in rural areas up to now?—If I may say so, a thoroughly bad edifice should be dismantled.

54. I would like to see if I clearly understand what your ideas are. I understand that what you suggest is that panchayats should be set up in the villages?—Where they do not already exist.

55. I think the panchayats set up so far are some of them confined to one village and some of them embrace a number of villages?—Groups.

56. I think the Panchayat Act was passed in 1920?—That is right.

57. And the task of setting them up started in 1921?—That is right.

58. We are informed that the number of panchayats in existence at present in this province is about 4,600?—The number of panchayats between 1922 and 1925 increased very satisfactorily and then declined after 1925. There were over 3,000 in 1922, over 5,000 in 1925, and I believe last year there were just over 4,500.

59. That is right. I put it at 4,600. And I think there are about 42 millions of population residing in the villages. Now, the Panchayat Act, if I understand aright, confers certain powers and functions upon the panchayats and confines their operations in certain areas?—That is right.

60. And the areas covered by these panchayats embrace a population of 8½ millions?—I am quite prepared to accept that, Sir. I have no figures.

61. As a practical proposition it has taken since 1921 to set up panchayats in one-fifth of this province. I think there are 42 millions in the villages and only a fifth have come under it up till now. If it has taken a matter of seven years to set them up in a fifth of the area how long is it going to take to cover this province at that rate?—I can draw no analogy between the two, Sir, because I do feel, and the Chamber feels definitely, that the panchayat system has not been given a proper trial, that they have not been encouraged as they ought to have been. We quite understand that the establishment of a panchayat depends first on a request of a village or group of villages. We also understand that the expression of that request very largely depends upon the landholder, or the suppression of it. We further understand that the success of it largely depends upon the sympathetic attitude of the district officer, and we submit that that has not always been forthcoming, or else, why has the progress been so very slow? We are led to believe that in certain aspects panchayats have been accepted as successful by Government, but we definitely know, Sir, from advice received from our representatives in the council that the attitude of the Government, as such, to the development of the panchayat system has not been favourable. In



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What power is there for enforcing payment?—They may obtain a distress warrant but the trouble is that they won't.

86. What controlling power has the provincial Government over the municipalities? Is there any surcharge on members?—None whatever.

87. Have you any suggestions to make in this regard?—I think the Government should definitely tell the board that if it did not collect its arrears to a very high percentage, it would be denied all possible assistance in the shape of loans and grants, and if it persisted in that course it might even be superseded.

88. We have been told that the power of super-session has not been very often used?—It has not been used unfortunately in this province.

89. You think it is possible to use it for this purpose?—I do not know if it is possible for this purpose, but for general neglect of duties it must be used. I understand that one municipality has been called to explain why it should not be superseded; further than that I do not think the Government has taken any action.

90. *Major Atlee*: Regarding the system of basing your election on panchayats, a proposal was made to me before that we might try and base your election on the village panchayats, that is to say, the village panchayats should be the electors to the legislative council. But you have put in another step that these village panchayats should elect district boards which should elect members to the council. Do you not think that the connection between the electors and the indirectly elected persons will not be very great?—I am afraid we did not consider the possibility of omitting that second stage in our structure.

91. I was for three years an indirectly elected member for the Board of Guardians in England and I can assure you that I knew very little of the electors in that area; I myself did not know how I got in there. The second point is this: After all, you elect persons to the district board to do certain definite administrative work. But if you give them the dual function, to be both local administrators and members of an electoral college, the tendency will be, won't it, to try and get all those people who represent certain party interests, without any regard to their abilities?—I see that disadvantage, and others.

92. Would it not be better therefore to cut out the intermediate stage? You can have the college of electors representing villages who are kept in touch with the villagers and this electoral college can elect members for the district boards and for the legislative council?—I am attracted to it at first sight, but it bears a lot of thinking.

*Chairman*: You mean to say that those who form the electors for the village would be distinct from people who are chosen for local administrative functions?

93. *Major Atlee*: The suggestion put to me was this: The ordinary villager knows very little outside his village and that the representatives of the village possibly do not know very much outside the district. It might be better therefore if the villagers elect a certain number of persons, by show of hands, who would be regarded as worthy representatives of that village. These would be a panel of electors who would be available either generally or *ad hoc* both for local elections and for provincial elections?—That is more attractive than the other. That was the suggestion put forward, I think, in the Bombay Presidency. (*Mr. Ryan*.) It is so attractive at first sight, that I fear there is a snag in it.

94. *Major Atlee*: Might I put another question? You say that diarchy has been a failure but you suggest that the subject of Law and Order should be in the hands of the Governor who is to be represented in the legislative council by a secretary. Will not this amount to the continuance of diarchy?—(*Mr. Gavin Jones*.) We have got to admit that by retaining Law and Order with the Governor we are really continuing diarchy, but we see no other way out of it.

95. Do you not see that after all this jail work is not particularly attractive? You are giving the Ministers departments like education, irrigation, public health, agriculture and so on, but the unpleasant functions, apart from the extraction of land revenue, are concentrated on the person of the Governor. Is this not unfair?—We quite admit it, but we see no way out of it. Our point really is this, that we feel that it is impossible to handle Law and Order by a Minister who is going to be responsible to the legislature—a system which is yet untried. We think it would be a great step to take and we think it cannot be done unless and until we are assured that parliamentary government in the province is going to be a stable government.

96. I realise that. One gets a good deal of criticism on reserved departments. At present there is some buffer between the Governor who is after all the head of the province and those who make the objections. You are going to strike out that and concentrate the whole criticism on the Governor himself. Are you not weakening rather than strengthening his position?—We recognise that there are difficulties, but in actual practice it would not be the Governor personally who would be accused but it would be the department.

97. The Governor holds the portfolio?—It is quite true, but in actual fact, he holds it over now.

98. Anyhow, you admit it is diarchy?—It is diarchy. (*Mr. Ryan*.) It is inconsistent, we admit, but it is the nearest we can get at preserving safety. (*Mr. Gavin Jones*.) It is bridging the gulf.

*Major Atlee*: I should call it a rechristening of the old bridge.

*Witness (Mr. Gavin Jones)*: You can call it so. The rechristening is not so much true of diarchy as that sufficient responsibility was not given to the ministers.

99. *Chairman*: You say that if you are right in your conclusion (about which I say nothing at present) that Law and Order could not be transferred to a minister in the present Constitution, you say, "Well, if we could devise a plan for improving the responsibility and creating a stronger executive at the hands of the ministers that would be the best way of developing the system and that Law and Order might be transferred later on"?—We must find out whether the Government is going to be strong enough.

100. But that seems to be your point?—We do not think it is safe to hand over Law and Order until we know whether the Government will be strong.

101. It is diarchy?—Yes, we have to admit that.

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111. On page 369 under paragraph (c) you say: "The Governor would, under the proposed reformed constitution call upon any person in the council, whom he considers to have the necessary support, to form a Ministry." Would you suggest that this ministry should be solely composed of one particular party in the council, or would you suggest that all communities should be represented in this ministry?—I think the intention certainly is that all groups, rather than parties, ought to be represented provided they can work together. We know that there are certain allied groups which would perhaps work together, whereas no one group could be strong enough to furnish a ministry with a majority from its own ranks.

112. Then you want to have a party government?—We feel that party government, however much to be wished for, is not possible now; we are far from that. (*Mr. Gavin Jones*.) If you are going to have collective responsibility and a Cabinet, you must have a party government.

113. In this way, if you had a ministry with the various members representing different communities, is there not a risk of the minister being turned out very frequently?—(*Mr. Ryan*.) Yes; but we do not intend that the ministry should be recruited from opposing parties, but from parties which in some way or another are allied. (*Mr. Gavin Jones*.) The Cabinet must have full support in the House



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to remain there, and therefore it would have to be chosen from parties which would form one strong party to support the Cabinet.

114. My difficulty is this, Sir. You form a ministry, a Cabinet, and in the Cabinet it is considered desirable that various communities should be represented, then it at once establishes the danger of the Cabinet being turned out at any moment?—That is always there. (Mr. Souter.) Possible, Sir.

Chairman: Everybody agrees that with a ministry which is really composed by combining together the chiefs of a number of groups, something goes wrong if the groups go the other way.

Lord Burnham: Just as it happened before the Poincaré Ministry when the ministry used to change every six months.

115. Sir Arthur From: Have you considered that point?—(Mr. Gavin Jones.) I am afraid it is very difficult to get a two-party system in the council here, and we shall have to work on the group system, very similar to that in France, and the Premier who is chosen will have to be able to obtain sufficient groups to support him in power and will only choose his Cabinet from those groups.

116. Then your Chamber is definitely against a Cabinet being formed from one particular group which is the strongest in your council?—(Mr. Ryan.) Not if it is strong enough.

117. Then you will have one Cabinet from that group and possibly it might be able to carry on for three or four years?—(Mr. Gavin Jones.) Yes. You cannot have communal representation in the Cabinet. That is the point.

118. Chairman: Unless, I suppose, the groups that combine are groups which may be parties representing different communities?—That is so.

119. Then of course there will be a good deal of give and take in the Cabinet to carry on the minister's policy?—As in England if it is left to the Prime Minister to choose his Cabinet it will keep him in power.

120. At any rate, from the point of view of devising a constitutional structure, those things will really have to take care of themselves. You cannot say in the Act of Parliament, "Let there be two parties"?—Quite so, Sir.

121. Sir Arthur From: There is just one other thing which I would like to ask. You say under sub-head (k), "Finance of Provincial Government, and financial control," "The committee of the Chamber in dealing with this sub-head, feel that they cannot do more than recommend that complete control of provincial finances should be given to provincial Governments, subject to the Governor's veto." Now do you think it would be a wise step for any province to separate itself altogether from central control in the matter of finances? What I have at the back of my mind I may tell you at once. It is with regard to the loans and borrowings?—(Mr. Ryan.) The next paragraph deals with that, the Local Government Borrowing Rules.

122. You say that the Local Government Borrowing Rules should be maintained?—Yes.

123. So you have got to read both together? Although you recommend that complete control of provincial finances should be given to provincial Governments, at the same time it is not quite complete because there will be the Central Government to control the loans and borrowings? The two should be read together?—(Mr. Gavin Jones.) Yes.

\* \* \* \* \*

127. To continue this question of Law and Order, one witness that we had before us in another place contended that there must be a considerable amount of control from the Central Government over Law and Order in the provinces. Might I ask you whether your Chamber had that in mind? You agree that there must be a certain amount of central control over Law and Order? Had you that in mind?—We do not know what you mean by a certain amount ;

but we feel that you cannot possibly transfer Law and Order to the Central Government. It is quite important that the police who are continually in touch with the people should be in close touch with the provincial Governments, and they cannot possibly be controlled from Simla or Delhi.

128. To continue what I was saying, perhaps the Central Government did send round suggestions to provincial Governments in connection with Law and Order, but they were not really suggestions but more or less instructions?—In matters of policy, yes; they could not control in detail.

129. In cases where it may turn into a great disaster? You remember the Moplah rebellion? You remember Regulation III in Bengal?—(Mr. Ryan.) We refer to that. On page 370 we talk of discretionary powers to the Governor-General.

130. Then again, this paragraph has to be read with the paragraph on page 370 to get a true picture?—Yes.

131. Then of course it has been pointed out that to continue Law and Order as a reserved subject in the provinces it really means continuance of diarchy?—(Mr. Gavin Jones.) That is so.

132. To lessen this picture of diarchy, would you suggest that in your province the expenditure for Law and Order should be non-votable?—Certainly, we do that; but we prefer that it should go through the main budget and the Governor should have the power to certify.

133. It is in a way like the Army vote in the Central Government?—It will be in the same way.

134. Would you suggest then that it should be made non-votable so that it does not amount to diarchy?—(Mr. Carnegie.) I do not think so. It should be votable. But in the case of an extensive cut, the Governor should have the power to restore.

135. In the circumstances you suggest with regard to Law and Order you will never get your expenditure voted, or it will be very seldom that you will get it voted. That will be the first thing to be attacked?—(Mr. Ryan.) On page 371 we recommend powers of certification to the Governor.

136. But that is a thing we want to get rid of as far as possible?—(Mr. Gavin Jones.) It is possible to make it non-votable; but perhaps the legislature would certainly like to discuss Law and Order.

137. Chairman: I do not wish to press you, gentlemen, too far. Really we are very grateful to you for answering a number of very interesting questions to which one has to give careful thought. But, still, I should like to know this. On page 371 you say at the end of the second paragraph: "The Governor's powers of veto should extend to 'Law and Order' as to other matters, but his powers of certification, which it is recommended shall be severely circumscribed, should certainly apply to 'Law and Order.'" I do not know whether you would be able to tell me what sort of severe restrictions on his present powers of certification in respect of Law and Order you have in mind?—I think the intention there was that the powers should be circumscribed in regard to other matters. What we meant was that the Governor would not be able to certify with regard to other matters, but in the case of Law and Order he will have the power to certify. That is all the intention.

138. If that is your intention, what you have in mind would follow automatically. At present, the Governor has the power of certification which is much more extensive in the case of reserved subjects than in the case of transferred subjects?—Yes.

139. If you are going to transfer everything except Law and Order, it will follow that with regard only to Law and Order he will have the power of certification such as he now has over reserved subjects?—Yes. We wish to make that clear.

140. Sir Arthur From: There is only one other question which I wish to put. At the top of page 370 you refer to the Central Government and say that you do not recommend any change "unless

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it be in the direction of improving and increasing the power of the executive." Have you in mind the position of the Central Government which is practically in a permanent minority? Is that what you have in mind?—Yes. That is so.

141. Would you give the Central Government a permanent majority?—(Mr. Ryan.) That is really a point that we prefer to leave to the Associated Chambers.

142. Mr. Srivastava : Mr. Carnegie, what is the membership of your Chamber?—(Mr. Carnegie.) 76.

143. Does it consist of both Europeans and Indians?—Both.

144. What is their proportion?—I think there are about ten Indians. (Mr. Ryan.) We are speaking subject to correction.

145. Could you tell me what amount of capital is represented by the members of your Chamber?—(Mr. Carnegie.) No, we could not tell you off-hand; it is a very large sum. One member controls a capital of over three million pounds.

146. It represents a large amount of capital?—Yes; a very large amount of capital.

147. Could you tell me what amount of taxes they pay?—A very large amount; much too large an amount.

148. So that they have a real stake in the country?—That is so.

149. On page 369 of your memorandum you say that diarchy has failed. You have not given reasons there. Have your representatives on the council given you reasons? Are you aware of them?—(Mr. Souter.) Well, Sir, they had only powers of criticism and nothing else. That is the reason for the failure.

150. But in the transferred departments they are supposed to have responsibility and power?—I am referring to the reserved departments.

151. But diarchy refers to the transferred departments?—It was a general failure, not on any special side. (Mr. Gavin Jones.) I think it is because they have not had any control of the finances. They had to take what was allotted to them. (Mr. Carnegie.) They have not been made to feel any responsibility for any cut in finance on any particular head.

152. Is it because that the ministers are not really supported by any definite parties in the council?—(Mr. Gavin Jones.) Yes; that is so. They are dependent on the official bloc to keep them there.

153. You know, Mr. Souter—you have been in the Council—that various ministers have been appointed from time to time. Did they have the support of any large groups or parties?—(Mr. Souter.) No. Some of them have not had, and some have had.

154. When they want to support a particular measure, how do they get the votes of the legislature?—(Mr. Ryan.) By devious means. (Mr. Souter.) I do not understand the question.

155. The question is very simple. They are responsible to the legislature. They are supposed to carry the measures with the support of the legislature?—(Mr. Gavin Jones.) Each measure has to be taken as it comes along and they may change from one part of the measure to another part. They have got to get on as best they can.

156. There is no definite party behind the Cabinet?—There has been no definite party behind the Cabinet; that is it.

157. No effort has been made to develop one?—(Mr. Souter.) No.

158. Referring to the question of panchayats, is it not the Chamber's idea that by establishing these panchayats it will be the best means of educating the electors, I mean, political education?—(Mr. Ryan.) That is the hope and the belief.

159. And is it not your idea that it will be the best means of providing practical manhood suffrage?—Manhood suffrage; that is right, yes.

160. That is an alternative to the proposal which has been made in various quarters about the extending of the franchise?—Not direct franchise.

161. This is an indirect thing, but it is an alternative?—Yes.

162. Do you not think that the panchayats could be developed in a short time if the Panchayat Act is made compulsory?—They certainly would.

163. Just as the district boards had been established by a stroke of the pen?—Yes.

164. So that it will not really take a long time to establish them if it were desired to do so?—It ought not to.

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175. Chairman : Mr. Ryan, I see in this Memorandum of the Upper India Chamber of Commerce, on page 364, that you express the view : " It is regarded as an incontestable fact that at present and for many years to come, communal representation must be resorted to in India." Why?—If minority communities are to get representation.

176. Therefore, the answers which you have given just now on mere points of detail, which I think it was quite reasonable for Mr. Srivastava to ascertain, do not affect your view that the Muhammadan minority, as you think, must be conceded communal representation?—Not at all.

177. I see that on page 365 you say that your Chamber would be disposed to support the principle enunciated by Sir William Vincent, that there ought to be a weightage, an additional weight given to the Muhammadans as their numerical weakness becomes greater?—Yes.

178. So that you not only think that they should have communal representation, but where they are in a minority, they should be given more than the population proportion?—Certainly, Sir, because of the realisation of the importance of the Muhammadan community.

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180. Khan Bahadur Hidayat Husain : Yours is predominantly a European Association?—Yes.

181. The president of the Chamber as well as the secretary have always been Europeans?—Yes.

182. Khan Bahadur Hidayat Husain : How long is it that you have had an Indian member on the executive committee of your Association?—(Mr. Ryan.) I can only speak from my own knowledge which now extends to about 16 years, and certainly in most of that period we have had an Indian member on the committee.

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184. You have come out with a somewhat detailed suggestion with regard to the control of the police. My point is this. Do you think police would be better controlled by an agency central in nature than by an agency of a provincial nature?—(Mr. Souter.) No. (Mr. Gavin Jones.) No.

185. Would it be your idea to have an official of the provincial Government in the legislative council without any responsibility to anybody there?—Yes.

186. That means that you will not allow even cuts on the police grant being discussed?—They can propose cuts, token cuts, but the Governor will have the deciding power. In other words police will remain exactly in the same position as it is now.

187. Now, you say that all other subjects besides police should be transferred, but I suppose you are aware that Law and Order are inter-dependent with revenue?—We say " Law and Order."

188. Yes, but Law and Order are inter-dependent with revenue?—Yes.

189. Would you like revenue also not to be transferred in the same way?—No, we should like it to be transferred. We do not want to reserve revenue.

190. My point is this, that Law and Order is intertwined at present with land revenue?—In a sense, it is entwined with everything.

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193. Khan Bahadur Hidayat Husain : Now with regard to the panchayat system of yours, you say that the panchayat should be made the unit for the election of the members of the district boards, while the

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election to the municipal boards should be left as it is, that is, direct and not indirect vote?—Yes.

194. Now, I do not think that any members of your committee who have compiled the memorandum are directly in touch with the realities of rural life, and therefore may I ask you if you know how these panchayats are at present constituted, that is to say, is it not a general complaint of these panchayats that they have not satisfied the villagers themselves where they exist? That is quite likely.

195. It is true? I will take your word for it. I cannot say from my own knowledge.

196. If you say that the panchayats should be elected by the general body of the villagers, then in that case do you not think that these panchayats are likely to be swamped by the nominees of either the zamindars, the landlords or the moneylender? That is a possibility.

197. In that case do you think that the panchayats would serve the purpose which you have in view?—We realise it is not ideal. We have suggested a system of summary election. We see that there are difficulties there. They are pulled both ways. We quite understand that a zamindar might resent the establishment of a panchayat in his holding, and we quite realise the influence that could be brought to bear, but with all these things in recognition, we feel that an attempt should be made in that direction.

198. What have you to say with regard to this objection, that in that case the members of the district boards would not be held answerable to the villagers, but they would be answerable only to the panchayat?—I cannot accept that. The panchayats, after all, are only speaking for those who elected them. Even if they have been defectively elected, yet they are surely a funnel to express the opinion of the lowest grade, that is, the people themselves.

199. I find from your memorandum that you think that separate electorates for the Muslims have to be preserved as they are at present. Well, do you think that Muslim villagers must elect Muslim *panchayats*? With villages largely Muslim, the larger number of *panchayats* would be Muslim. If a village is entirely Muslim, all Muslims would be elected.

200. That, of course, is different. Take the stretch of land from Coimbatore right up to Allahabad; there are very few Muhammadans residing in those villages?—Yes.

201. My point is this, that in villages, for instance, where the proportion of Muslims is very small, say only 5 per cent., what do you think should be the proportion of Muslim representation in the panchayats there? On the same basis generally, if it can be worked, as we have recommended for the other, on the weighting principle.

202. Then your point is this, that the district has to be divided for the purposes of election into several parcels, and the Muslim *panches* have got to elect Muslim members for the district boards. In that case, do you not think there would be very few Muslim *panches* to elect Muslim members of the district boards?—It is a point of detail which we have not worked out.

203. Dr. Shafaat Ahmad Khan: Why do you think that communal representation is necessary at the present time?—(Mr. Carnegie.) For the reason already given by Mr. Ryan, that we do not think the Muslim community will be given adequate representation without communal representation.

204. If they are not given communal representation at the present time, what will be the result?—They will be very largely unrepresented, I should say.

205. And what would be the result of lack of representation?—(Mr. Garin-Jones.) A narrow oligarchy.

206. A narrow oligarchy will be established in India if separate electorates are not maintained; that is the view of the Chamber of Commerce?—(Mr. Carnegie.) Yes.

207. Do you think that commercial interests cannot be entrusted to general constituencies?—Certainly not.

208. What will be the advantage? I suppose the advantages will be that a person elected by your Chamber will have a mandate, and that he can resign if he goes wrong, and you can elect another representative?—Quite so.

209. But do you advocate election by Associations?—Such as ours.

210. But there are some Associations which are not yet members of your Chamber. How will you provide for representation of those Associations?—Can you give me concrete instances?

211. I suppose there are some interests which are not represented. Are all interests represented in your Chamber?—(Mr. Ryan.) They have opportunities of being represented, either on our Chamber or on the United Provinces Chamber. If they do not avail themselves of their opportunities, that is their lookout.

212. So it would be a associational, not territorial?—(Mr. Carnegie.) Territorial to a limited extent. (Mr. Ryan.) It is economic.

213. You say the executive has been weakened and the Government has deteriorated. You want to strengthen the executive by giving Law and Order to the Governor, do you not? Well, how will you strengthen it still more by simply giving Law and Order to the Governor?—(Mr. Garin-Jones.) The question of Law and Order will be strengthened, will it not?

214. By the mere fact of the Governor keeping Law and Order?—(Mr. Carnegie.) That is merely ancillary; that is not the whole question. I think your point is that the Government will be strengthened by keeping the executive itself out of the House, and letting them get on with their job.

215. How will they do that?—The permanent official, I mean, not the executive.

216. You are in favour of the transfer of more subjects?—(Mr. Garin-Jones.) Yes.

217. What do you mean by strengthening the Government? You said the executive has deteriorated. Do you wish to strengthen the executive?—I should like to strengthen the executive, yes.

218. How will you do that?—I have just told you a little while ago what would strengthen it in a general way, but as far as Law and Order is concerned the strength of the executive would remain precisely as it is now.

219. If you leave Law and Order in the hands of the Governor, why do not you call it diarchy?—(Mr. Ryan.) We have admitted in our memorandum that we recommend only a virtual autonomy, and we have admitted also the inconsistency of the retention of this aspect of diarchy.

220. So it would be diarchy really, in fact?—That is so, attenuated.

221. What subjects do you include in the words Law and Order?—Police and executive magistracy. (Mr. Garin-Jones.) It is a general term, which you have just discussed.

222. How will you define it?—(Mr. Ryan.) Police and executive magistracy.

223. What is your opinion about the judiciary?—Transfer it, so long as it is not under the control of the Government of India. High courts that are reserved to the Government of India would remain so. That point is discussed at more length in, and we would prefer to refer you to, the Associated Chamber's Memorandum.

223. Dr. Shafaat Ahmad Khan: From page 370 I gather you would like to maintain Rule 49 of the Devolution Rules so far as the power of the Central Government is concerned, but you would like, I suppose, to invest the Central Government with greater powers?—(Mr. Ryan.) Yes.

224. Would those greater powers be negative or positive?—Positive.

225. Would the Central Government be empowered to offer constructive suggestions with regard to these

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departments, or be able only to prevent these departments from doing anything wrong?—Why not both?

236. I thought you meant only positive?—Both.

237. Both positive and negative?—You would get more illumination on that point by referring to the report of the Muddiman Committee.

238. *Dr. Shafaat Ahmad Khan* : To which paragraph do you refer?

*Chairman* : 48.

*Witness (Mr. Ryan)* : 48, yes.

239. *Dr. Shafaat Ahmad Khan* : You said you could not have communal representation in the Cabinet?—(*Mr. Gavin-Jones.*) Yes.

240. Are you aware of the fact that in Switzerland they choose the members of what is called the Federal Executive Council—the Cabinet, really—from various communities and various cantons, according to Lord Bryce?—I do not know the details of that.

241. You may take it from me he refers to it?—In what sense is it communal?—

*Dr. Shafaat Ahmad Khan* : He is talking of the members of the council, and he says this : “One of the seven is annually chosen to be President of this Council and another to be Vice-President, and neither may be re-elected for the same post the following year. One is also by custom taken from a Roman Catholic canton, and very often one from the Italian-speaking cantons.” So they are chosen from various cantons.

242. *Chairman* : I am very glad you read the passage, for it is what I expected. We must draw a distinction between two things which, from the point of view of drawing up a Constitution, are perfectly distinct. One question is whether it is going to be the written established law of the Constitution that a cabinet shall contain persons of different communities.

*Dr. Shafaat Ahmad Khan* : I meant only a convention.

243. *Chairman* : I am pointing out a distinction which I think your question suggested. The other question is quite distinct; it is whether it may not be, as a matter of expediency or as a matter of custom, a good thing to do. Let me give you an example. You can examine the list of members of the Cabinet in the Dominion of Canada, and I am fairly sure you will always find there is a Roman Catholic in it. No doubt the reason for that is that in the province of Quebec there is a great number of French-speaking Roman Catholics. Sir W. Laurier is one. But there is no section in the British North America Act which says there must be. If you were to take the High Court of England at this moment, you would probably find that amongst the judges there are members of the Church of England, there are Roman Catholics and there are Dissenters; but there is no law that there must be. It is a thing which is very likely to happen and very suitable. I was not clear, when you put your question just now, whether you meant to inquire whether these gentlemen thought it ought to be the law that there must be, or whether you meant only you thought it would be a good thing that such a custom should exist.

*Dr. Shafaat Ahmad Khan* : I thought it was a very sweeping statement that only the strongest party in the House should be able to form a Cabinet, even if it consisted only of one community. The object of my question was to ask whether it would not be expedient—not as a matter of law—to choose members of the Cabinet from various groups, representing the various communities.

244. *Chairman* : I follow; I am much obliged. I thought you were inquiring about an actual constitutional Statute. (To the witness) What do you think about that?—I think it would naturally work out that way. If a Cabinet were formed which wanted the support of the Muhammadan party, the Cabinet would be formed so as to get that support and would include someone from the Muhammadan party. But you cannot lay down a law to that effect: that is my point.

245. *Chairman* : That is the distinction, because I think, doctor sahib, some at least of the Muslim deputation were disposed to suggest it should be part of the written Constitution that there should be representatives of the different communities in a given Government?

*Dr. Shafaat Ahmad Khan* : Yes.

*Chairman* : That is the contrast.

*Dr. Shafaat Ahmad Khan* : We advocate this.

246. *Mr. Desanges* : You have given an opinion on education. What is your opinion about transferring European and Anglo-Indian education to the control of the Central Legislature?—I agree with that. (*Mr. Ryan*) : As a Chamber we have no mandate to speak on the subject. I am prepared to give you my private opinion, if it is worth anything.

247. You are also chairman of the European Association?—Of the United Provinces branch, yes.

248. Can we have your opinion as chairman of that body?—Certainly. I strongly favour the transfer of European education to the Central Government.

249. I see you advocate the official bloc should be removed from the Lower House and not included in the Upper House?—Quite.

250. Then surely you would want more than one representative on behalf of the European community in the Lower House?—We are not prepared to press for it. You see, Mr. Desanges, we realise that there is little use in according seats when we find, as we do find difficulty in finding capable men to put forward to fill those seats. I emphasise the word “capable.”

251. In that case there is a chance, if Europeans are represented only by one staccato voice, of having legislation made against them?—If it is staccato, so long as it is loud enough, it is all you can expect. If you doubled the number or trebled it you could make no difference in the voting power of the community. (*Mr. Souter*) : None at all. (*Mr. Ryan*) : We want a spokesman to put forward the opinions of the community and watch their rights and privileges.

252. You spoke about the franchise being too low. What would you suggest the franchise should be. It is on page 367?—I do not know that we are instructed to recommend anything, but we do think it is too low.

253. *Kunwar Bisheshar Dayal Seth* : You said just now your Association was in favour of communal representation?—Yes.

254. If somehow it was possible to find some other method to substitute for communal representation which would secure Muhammadan representation I think you would not object to it?—Minority representation.

255. For the minority, yes?—Have you any alternative in mind?

256. Not just at present?—I am not prepared to put one forward.

257. *Raja Kushalpal Singh* : Is not it one of the functions of a panchayat to settle petty civil and criminal cases?—Yes, and that is the function in which I understand they have been successful.

258. Is not it against the canons of sound administration that judiciary should be elected?—I think that the effects of the non-enforcement of that canon, in regard to panchayats, would be practically negligible. It is already laid down what panchayats, as a judicial body, may and may not touch. The limit is very low. Government officials serving in the same circle cannot appear before a panchayat, and, with due respect to the chair, a very useful recommendation is that lawyers may not be employed.

259. Are you aware that factions exist in very many villages?—I am aware that factions exist, yes.

260. Are not they great impediments to the smooth working of panchayats?—Yes, but we cannot expect the working of the panchayat is going to be made ideally smooth. It should be the purpose of the Government to overcome these factions, and I



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buttons of the coat without referring to the tailor.

279. That is what it is, because the best suit of clothes made for somebody else does not always fit?—(Mr. Gavin-Jones): They ought not to have power to alter the suit altogether. (Vide Appendix.)

280. Mr. Hartshorn: On page 366 you say: "Owing to the backwardness of these classes"—the depressed classes—"and their lack of education any system of direct election would be unsuitable but it is felt that a system of electoral colleges could be established in each province among the depressed classes and that they should be given a right of election under this system." Would you tell us in a few words what your idea is about that? In what way do you think electoral colleges could be created for the depressed classes?—(Mr. Ryan): I think we were here inspired more by hope than by belief. We know the depressed classes are moving towards self-assertion, and we feel it will not be long before they have moved sufficiently to allow some such machinery to be established; but what that machinery should be we have not been able to consider.

## APPENDIX.

Copy of a letter from Mr. J. G. Ryan, M.B.E., V.D., Secretary, Upper India Chamber of Commerce, Cawnpore, dated the 12th December, 1928, to the Secretary, Indian Statutory Commission.

The attention of my Committee has been directed to the following passage in the press report of the examination of the delegates of this Chamber by the Joint Conference at Lucknow on Friday the 7th instant. It is at the end of the report and reads:—

"Sir John Simon: Should the new legislatures in India have some powers conferred upon them to make changes in their own internal structures?"

"Mr. Gavin-Jones: The Chamber is not opposed to the idea of legislative bodies being empowered to effect minor changes in their internal structures provided such changes do not affect the structure as a whole."

As this report would lead to a very grave misunderstanding as to the Chamber's attitude in regard to such a proposal I am directed to make the position clear.

Sir John Simon was good enough, quite at the close of the examination of the Chamber's delegates, to throw out a suggestion, which, without committing himself to any opinion, seemed to strike him as a point of view which had not been considered. As he put it, he was thinking aloud.

This suggestion was that the legislatures should have the power to amend their own constitution in some respects, and he cited the action of one of the Australian Governments in this respect.

The Chamber's delegates were rather taken aback by this suggestion and could not at the moment offer any definite opinion, especially as they had no mandate from the committee on the subject. Mr. Carnegie remarked that it was a very difficult question on which the delegates could not then give an opinion. He endeavoured to get a better appreciation of the suggestion by pursuing Sir John Simon's own simile but refrained from committing the Chamber to an expression of opinion. Mr. Gavin-Jones merely remarked that the powers of amendment would have to be very limited, and Mr. Ryan remarked that the Karachi Chamber of Commerce, in their memorandum, seemed to have had in mind a somewhat similar proposal.

Actually all the delegates felt that the suggestion was not free of certain elements of danger, but put as it was, they were unable, on the spur of the moment, to focus their views as to this.

In view of the fact that the Karachi Chamber of Commerce have, in their memorandum of the 3rd of October, 1928, made a very definite proposal on these lines, a proposal which the Associated Chambers of Commerce have not been afforded an opportunity

of considering, my committee feel that it is necessary for them now to state their definite views on the subject.

They consider the Karachi Chamber's proposal not only to be dangerous, but actually, in principle, opposed to the Imperial policy which Great Britain has always adopted towards the British Dominions and Colonies.

In effect the Karachi Chamber propose that when the British Parliament decides the form which the future Government of India shall take, and which they call the static Constitution, the Constitution shall become, after a certain period, "a fluent constitution in which the future impelling influence will essentially be the Indian people themselves."

They wisely state their case in general terms only, but they definitely state that "at the end of the static period the future government should be by agreement amongst the people concerned, either directly or through the legislatures."

Since the Karachi Chamber agree that complete autonomous Government should be given to the provinces my Committee assume that their intention is that either the Central Legislature will have the power of altering its constitution or that a consensus of opinion of the people, as voiced by the provincial legislatures, shall have the power of extending self-government to the Central Legislature.

Such a proposal is, in the view of my committee, impossible of achievement. It is totally opposed to British policy and it is impossible to reconcile it with the "certain fundamental and unchangeable provisions," which are outlined, and which, of themselves, are entirely incompatible with the ideal of "self-government."

The British Parliament, when relinquishing the full control of the Government of a Dominion or of a Colony, has done so only to a legislature responsible to the people. To no other authority is it conceivable that such control could be relinquished and the very first essential in the grant of self-government is that the Dominion or Colony shall be capable of providing for its own defence and its own internal security, following upon the immediate withdrawal of the British Army. As my committee read the Karachi Chamber's proposals it is intended that after the static period the legislatures will have the power to extend self-governing institutions to the full, without reference to the British Parliament. And yet it is definitely intended that the British Army is to remain, together with a percentage of British officers in the Indian Army and a percentage of British in the Civil Services. Such a position would be impossible.

The proposal practically means that the British Parliament would draw up the static Constitution, and immediately divest itself of all further responsibility. The development of self-governing institutions would be left to the people of India themselves, and the British Army and the Services in India would be left, as it were, in the air.

Such a proposal is entirely lacking in an appreciation of the realities of the situation.

My committee naturally do not for a moment think that Sir John Simon had such a proposal in mind when he made his suggestion, but the lines on which he was thinking would seem to be much the same as those which have led to the Karachi Chamber's proposal, and my committee desire definitely to express their disapproval of the Karachi Chamber's memorandum.

In regard to Sir John Simon's suggestion my committee are inclined to think that if the provincial legislatures were permitted to modify their own Constitutions, within a strictly limited sphere, no harm might follow, but even here, when the present communal tension is considered, such powers might lead to disruption.

My committee hold the very definite view that there should be no tampering with the Central Government, even in regard to internal detail, except by the authority of the British Parliament.

## Memorandum submitted by THE BRITISH INDIAN ASSOCIATION OF THE TALUKDARS OF OUDH.

The Blue books and other official records are replete with the history of Oudh Talukdars. We therefore only give a brief outline of the position of the Talukdars in this Memorandum.

The Talukdars of Oudh are a body of landlords, who, before the annexation of Oudh, held estates under a system which was akin to the continental feudalism. After the annexation of Oudh, the British Government proceeded with the summary settlement of land in the province. Unfortunately the officers who at the time were the advisers of Government had no knowledge of actual conditions prevailing in Oudh and the Government on their advice thought that it would be to its advantage to make settlement directly with the occupants of the soil and to change the established system prevailing in Oudh from long ages. On the 4th February, 1856, an order was passed to make settlement directly with the actual occupiers of soil and to ignore the Talukdars.

The Mutiny broke out in 1857 and the community of small holders of land newly created by the British Government soon rallied round the Talukdars—their former feudal Lords. Lord Canning came up and personally studied and investigated the whole question which resulted in the entire reversal of the policy of 1856. He was convinced that the Talukdars had been unjustly treated, and came to the conclusion that unless the rights and privileges of the Talukdars were recognised and their position restored, it would not be easy to restore peace and tranquillity in the Province and to ensure its prosperity. The rights and privileges which the Talukdars enjoy to-day are those which were conferred upon their ancestors under terms of Sanads issued during the time of Lord Canning by the order of the Crown.

The British Indian Association was established in 1861 and represents the entire body of Talukdars of Oudh. The Talukdars, as it would appear, are a compact body with a common interest and with special laws of inheritance, usage and customs. The British Indian Association is perhaps the oldest or one of the oldest institutions of its kind. Every Talukdar is a hereditary member of it and has to contribute a percentage of the income of his estate for its maintenance. It therefore represents the entire Talukdari community.

The necessity of the representation of the interests of the Talukdari community has been fully recognised in the legislature and our association has been allotted four seats in the present Provincial Council. This number was lower than our demand and the recommendation of the Local Government, and we, therefore, claim a larger representation. We have got large stakes in the Province and in view of the recent communist movement, the maintenance of the landed aristocracy like ours which is a stable element in the Indian Polity may be in danger unless our representation is increased, and in the future constitution of India our full proprietary rights, title and possession, which have been guaranteed in perpetuity by British Government, are permanently protected. Oudh has an area of about 24 thousand square miles with a population of 12 millions and yields a Government revenue of over 1½ crores. Of this over a crore is the contribution of the Talukdars to the Public Exchequer. In addition to the land revenue, they pay 10 per cent. cesses towards the maintenance of the local boards and also largely contribute permanently towards educational and other institutions for the public benefit. Their importance in all affairs connected with the prosperity and well-being of the people of this Province is undeniable. This association, therefore, without being assertive in regard to the claims of the Talukdars for representation in the Legislature of this country, ventures to submit that their representation at present is inadequate, and should be increased. The Government of these Provinces also recommended five seats for us in the Council and this recommendation was accepted by the Franchise committee.

### *Basis of Franchise.*

Property should remain the basis of Franchise. We have fully considered this matter in relation to the conditions prevailing in these Provinces, and we are convinced that under the present conditions no other basis is feasible. The standard of qualification should be maintained. No lowering of the standard of income for purposes of qualification to vote would be desirable.

Voting should be by ballot. We consider the desirability of introducing the system of open voting, and in our opinion while it has its virtues of developing more independence and moral tone in the voters it is subject to extraneous influence.

### *Methods whereby particular interests may obtain adequate representation.*

We represent particular interests. There are other communities of interests such as those of commerce, trade and labour. If our Legislatures, Provincial and Central, were to be composed of representatives of different interests this perhaps would alter the grouping and help the political evolution of representative institutions and divert the thoughts of the people from communalism to question affecting the material welfare of the country. The most suitable method by which particular interests can obtain adequate representation will be to allow their representation in the legislatures in proportion to the amount paid by such bodies to the Public Exchequer. The numerical strength of such bodies should not be the criterion for fixing the number of their representatives but their social, political and economic importance should be given due consideration. The chief classes who are likely to suffer, if this principle is accepted, are the depressed classes and unorganised labour. In order to protect their interests some effective method should be adopted for such time as they are not properly organised.

As regards the communal question, unfortunately it is there and is due to cultural differences, economic reasons and last but not least, lack of political education. We do not, however, consider it necessary to make any suggestions as to the method of solving this problem. The British Indian Association represents special interests and is composed of people of all denominations whose economic interests are common and so far no communal feeling has disturbed us.

### *Growth of Parties.*

We are conscious that Parliamentary system of Government without a party system is an anomaly. The electorates are mostly ignorant and the political education, if any, they are receiving, is not of the right kind. Behind all political activities lurk communal and religious feelings which are great obstacles to the growth of healthy public opinion. In the first election, under Montford Reform Scheme, the political cry of Non-co-operation was raised, but by the time of second election, non-co-operation had lost its magic power, and the communal question and religious sentiment began to be noticeable. In the last election, the communal question and religious sentiment became prominent. The political-minded people have been thrown in the back-ground by persons whose outlook is either religious or communal. That the growth of political parties entirely depends on the relations between the various communities in India, goodwill and trust between them can only create such an atmosphere in which political parties can flourish. The growth of parties would entirely depend on the growth of public opinion.

### *Nomination of Officials.*

Public opinion is against the official voting in the legislatures, but it is likely that their total absence may be felt when questions involving technical knowledge come before the Councils. This deficiency can be removed by means of a provision in the consti-



MEMORANDUM SUBMITTED BY THE BRITISH INDIAN ASSOCIATION  
OF THE TALUKDARS OF OUDH.

[Continued.]

tution that the Ministers in charge of the department will have a right to call upon the heads of the department and experts to speak in the house in order to enlighten the house on a particular question. But they should not be allowed to vote.

The presence of an official block is also an obstacle in the way of the growth of party system in the legislature. The ministry, under the present constitution, can, with the help of the official block, afford to treat the non-official majority in the house with scant courtesy.

*Territorial changes.*

We do not consider it necessary to make territorial changes either for purposes of Provincial legislatures, Council elections or re-adjustment of local self-governing administrative units, so far as the United Provinces are concerned.

*Local Self-Governing Bodies.*

The result of the working of the Local Self-Governing bodies, with a few exceptions, indicates that full advantage has not been taken by them of the opportunities afforded by the new liberal constitution to carry on their administration on democratic lines. This is largely due to inexperience of the members. With more experience and educational progress, it is hoped that the state of things will improve. In these circumstances we are of opinion that the present system should continue. While suggesting the maintenance of the present system in case of these bodies, we strongly recommend that they should receive financial and advisory help from Government to enable them to make improvements in education, hygiene and communications.

*Provincial Government.*

The demand for autonomy in Provincial Governments appears to be unanimous, but we consider it necessary to provide certain reservations at this stage. We, therefore, beg to suggest that:—

1. the Cabinet system consisting of Ministers with joint responsibility should be introduced and the Ministry should be responsible to the Legislature;
2. that with the exception of the department for the maintenance of Law and Order, all other departments should be made Transferred Subjects;
3. that the department relating to the maintenance of Law and Order should be placed in the hands of a person appointed by order of the Crown and remain a reserved subject as at present;
4. the life of the Provincial Legislature should be increased from three to five years. It is too short a time to carry through any scheme that may be started by the Government and the election expenses on the Public Exchequer as well as for the candidates recur too frequently;
5. the power to assent or to veto a Bill should be vested in the Governor and as a representative of the Crown, the dignity of his office should be maintained as well as his position as a constitutional ruler. The legislature should not therefore have the power to curtail the expenditure necessary to maintain his position as such;
6. the position of the Governor in relation to the Ministers should remain as it is under the present constitution;
7. the Provincial Governments should be made independent of the Government of India so far as their powers of dealing with Provincial Subjects go. The control of the Government

of India on the Provincial Government should be limited to departments which are primarily the concern of the Government of India;

8. the strength of the Council as at present constituted is hardly justifiable for a representative legislature.

The population of the United Provinces is very large. While on the one hand, we are not inclined to have the number of the representatives in the Council fixed in proportion to what is generally found in the democratic constitutions in Europe; on the other hand we are of opinion that the representation in the Council should be such as would admit of a fair amount of representation in the Council, considering the area and population of the Province. The ratio of one representative for every two lacs of population is what we recommend. This will increase the number of constituencies and will thereby automatically decrease their area and make them more compact and workable. At the present moment, the candidates find it very difficult to nurse their constituencies, but with smaller constituencies the candidates will be in better position to canvass and educate their voters more effectively. We have already submitted that our representation in the Legislative Council is inadequate. We therefore urge that the number of our representatives in the Council in its present strength should be six. The same proportion should be maintained in case of any increase in the numerical strength of the Council.

*Second Chamber.*

It may be said that until complete autonomy is given to the Provincial Legislatures, there is no need for a Second Chamber in the Provinces. Our recommendations for the constitution of Provincial Legislature, if adopted, will not result in complete autonomy of the Provincial Councils but will no doubt go far towards autonomy and make a substantial advance in that direction. If we have not recommended the transfer of the department for the Maintenance of Law and Order it is for weighty and special reasons. While we recognise the importance of the extension of the representative system of Provincial Governments, we are of opinion that it should be well-ordered and judiciously controlled. We, therefore, strongly feel the necessity of a restraining power and sober scrutiny of the work of our Provincial Legislature which is still in its earlier stages. In these circumstances, we feel that it is necessary to create a Second Chamber in this Province, consisting of persons of large vested interests, higher educational qualifications and experience of higher form of judicial and administrative work, in order to supervise, control and restrain by means of their mature judgment any decisions that may be taken by the First Chamber in a state of excitement.

We do not make any proposals regarding the strength and composition of the Second Chamber but we are of opinion that broadly it should be on the lines of the Council of State.

Before we conclude this memorandum, we beg to submit that an Association like ours representing such an important community of interests has not been given any representation in the Central Legislature. We are a body ancient and legally constituted and have a record of public services which we can justly be proud of. We therefore earnestly put forward what we believe to be our just claim for representation in the Central Legislature and to be moderate we only ask for two seats in the Assembly and one in the Council of State, in the present strength.



## Memorandum submitted by the AGRA PROVINCE ZAMINDARS' ASSOCIATION, ALLAHABAD.

### *Special Representation.*

Special representation and Franchise has been granted under all Reforms to important minorities and special interests in the various provinces of the country. What we have now to look to is that an adequate and proper representation is secured to such constituencies under any Reform Scheme.

The Association regretfully submits that justice has not been done to the claims of the great zamindar community of the Province of Agra. Rather discrimination has been shown and in some quarters to an invidious extent. This is one of the most pinching and long standing grievance of the zamindars of the Agra Province. They have never been given an adequate and proper representation on the various Legislatures concerned although they have fought for it every time an opportunity presented itself.

In the United Provinces of Agra and Oudh the Province of Agra is the major province. There are altogether 48 districts in both the provinces of which no less than 36 districts belong to the Province of Agra, while out of the ten divisions which go to make up these two Provinces, eight divisions belong to Agra alone, there remaining only two divisions assigned to the Province of Oudh; viz., in point of territorial area the Province of Agra is four times as large as Oudh is. Similarly, in point of land revenue, Agra pays Rs. 5,15,00,000, while Oudh pays Rs. 1,76,00,000 only as land revenue; in other words, the Province of Agra contributes over two-thirds of Government revenue, while the Province of Oudh contributes only one-third. This will be found to be the case in almost all resources of taxes, cesses and other incomes to the Government of the Province in all branches of life.

It is therefore safe to conclude, that a great injustice has been done to the zamindar community of the Agra Province, when they of the eight divisions or 36 districts, have been allotted only two seats in the Local Legislative Council, while the Taluqdars of Oudh confined to two divisions, or 12 districts only, have been conferred four seats, and that all at once by direct method through the British Indian Association, Lucknow, which direct election through their own Institution gives them an additional development and consolidation in the political life of the country.

The zamindars of the Agra Province therefore on the data and precedence given above, should reasonably get three times, if not four times, more than what the Taluqdars of Oudh have got, viz., the Agra Province Zamindars should be awarded 12 seats in the Local Legislatures and a proportionate number of seats in other Legislatures in the country.

At the lowest, the Agra Zamindars should get eight seats in the Local Legislatures, corresponding with the number of divisions which go to make up the Province of Agra, and that by way of direct representation through their Institution at Allahabad; in other words eight representatives elected by the Agra Province Zamindars' Association, Allahabad. If, however, the strength of the Local Council is appreciably increased, our representation should in that case proportionately increase automatically.

The Agra Province Zamindars claim special representation in the Indian Legislative Assembly as well as in the Council of State.

Direct representation has been granted to the British Indian Association, Lucknow, in respect of all the four seats allotted to the special land-owning interest there. The Agra Province Zamindars' Association, Allahabad, similarly claims the privilege of direct representation in the Legislatures. The qualifications for electors (to the Legislative Council elections) under the Rules for Agra Landholders' constituency and for membership of the Agra Province

Zamindars' Association, Allahabad, are the same, viz., zamindars paying Rs. 5,000/- and over, as Government revenue, are eligible for the membership of the Association also, while the same qualification makes a zamindar qualified to become an elector in the Agra Landholders' constituency, as also qualifies him to become a member of the Council representing the special zamindar constituency in the Legislatures.

In view of the rapid turns that the Democratic spirit is taking in this country, it seems desirable to foresee the result. Although at present zamindars are being returned in a goodly number, yet it will not be the case in the near future, and it is thought desirable to have a Second Chamber added to the Local Legislature. This will insure the retention of a fair number of such representatives as have got a stake in the country and could take a calm and dispassionate view of the problems before them, avoiding extremes.

The Association claims direct representation in all Legislatures including the proposed Second Chamber for the great Zamindar Community of the Province of Agra.

Previously, when the Reforms were under consideration in 1917-19 the Association was refused direct representation. It was said that the British Indian Association of Lucknow was self-supporting by virtue of its funds, and established finances and (that it) had its own Headquarters buildings. It was mainly on these grounds that direct representation was conferred on the Taluqdars' Institution. Now the Agra Province Zamindars' Association, Allahabad has also got both these things; it has now its "Agra Province Zamindars' Association Contribution Act of 1927," as well as it has just completed its Headquarters building called Meston Mansion and the Marris Hall. This Institution has therefore now been firmly established by virtue of its "Contribution Act II of 1927" and own Headquarters buildings and can therefore claim direct representation like the one which has been in vogue in the Province of Oudh in respect of the British Indian Association.

We rightfully beg to claim that the Zamindars of the Province of Agra, apart from their right to stand for the General Constituency, must have seats allotted for their Association in the Assembly and the Council of State, and the Agra Province Zamindars' Association of Allahabad only should have the right to return them.

The Association also begs to press the claims for an adequate representation of Zamindars in public services, both Provincial and Imperial. The Association further begs that in making appointments of the Cabinet Members in the Central and Provincial Legislatures due regard will be paid to the Importance and Interest of the Landed Classes.

The Association hopes that it has been reasonable in its humble claims and fair to all concerned in this problem of special Representation of the Agra Zamindars in the Legislatures of the country.

### TRUE COPY.

Copy of Resolution No. 7 passed at the Annual General Sessions of the Agra Province Zamindars' Association, Allahabad, held on the 6th of January, 1928, at the Association's premises at 9 a.m.

7. The Coming Royal Commission.—There was an animated and prolonged discussion on the question at the end of which the following Resolution was adopted:—

(a) "Resolved that the Agra Province Zamindars' Association while feeling greatly dis-

## MEMORANDUM ON BEHALF OF THE PEOPLE OF ORISSA.

appointed at the entire exclusion of Indians from the Simon Commission, do realise that owing to their demands, as regards their proper and adequate representation on the Legislatures as well as the creation of a Second Chamber having been neglected by the former Reforms they cannot afford to simply wait and mark time."

(b) "That their representation in the Legislature of the Agra Province should be increased from two to eight by allotting eight seats for them on the U.P. Legislative Council."

(c) "In any scheme of further instalments of Reforms to be granted to Indians a Second Chamber in the Provincial Legislature should form an integral part of the Constitution."

(d) "An adequate separate representation in the Central Legislature should be granted."

(e) "That the above resolution be made over to their representatives selected from the members of the Association, who will submit the same to the proper authorities."

The Resolution was put to vote and was carried by majority.

## AGRA PROVINCE ZAMINDARS' ASSOCIATION, ALLAHABAD.

## THE SIMON-COMMISSION SUB-COMMITTEE.

*Proceedings of an urgent meeting held on the 15th October, 1928, at 3.30 p.m., at the Association's premises.*

1. To consider the memorandum and re-draft it in the light of the changed circumstances, with Assistant Secretary's note.

"The re-drafted memorandum was considered and adopted unanimously with slight amendments and alterations."

"Further resolved that Khan Bahadur Mohammad Obaidur Rahman Khan, Mir Ali Sajjad Sahib, the Raja Bahadur of Padrauna, the Raja Bahadur of Manda, Raja Kalicharan Nuirah Sahib and Rai Ishar Sahai Bahadur be requested to kindly prepare themselves to give evidence before the Simon Commission as representatives of the Association."

## Supplementary Memorandum by the AGRA PROVINCE ZAMINDARS' ASSOCIATION.

I have the honour to inform you as follows:—  
We had our Annual General Sessions of the Association on the 4th November, 1928. The slightly amended Memorandum already submitted to you was adopted *in toto* and in addition it was also resolved to bring two more important facts before you in the best interest of the general progress of the Reforms to come:—

One is that the life of the Legislatures be enhanced to five years, instead of three years as obtains now. This is expected to give better and fuller education to the Council members of the methods of responsible government to be followed under a representative and democratic form of government.

The second point is, that it appears from the newspaper reports, that the educated party wants

the Meston Awards to be amended and financial relations between the Provincial and Imperial Government to be readjusted. In case if this suggestion is to get a hearing at the hands of the Simon Commission, the prayer of the Association is, that in any such case, direct or indirect, the Permanent Settlement where obtaining should not be allowed to suffer any go back on the pledges so sacredly and solemnly made by British Government to the people of the Provinces which such a settlement already extends. It would amount to a breach of faith and injure the cause and existence of the landed community fearfully.

I hope you would bring this matter as well before the Commission.

## Memorandum on behalf of the PEOPLE OF ORISSA.

We, the undersigned, on behalf of the People of Orissa accord a cordial welcome to you, the Members of the Statutory Commission, and heartily make the following submissions for your careful consideration. We reserve our suggestions and observations, in general, upon the structure and working of the existing constitution of British India, and submit at present a tentative bare outline on your terms of reference from (a) to (g) and most respectfully lay particular stress upon one point, namely, the suitability of existing areas for legislative and administrative purposes and growth of representative institutions. Here we draw your special attention to the case of Orissa and Oriyas placed under four distinct Provincial administrative units, forming a hopeless minority in every Province they are attached to.

The aim of the Reforms inaugurated in 1917 was to lead India to progressive realisation of *full responsible Government* by increasing association of Indians in every branch of administration. To the Oriyas who have been placed under four administrations this increasing association has been an impossibility. They have been tied to the tail end of each Province

and as such the pulsation of the heart at the centre of administration fails to reach the extremities. They are as the Government of Bihar put it in their letter to the Financial Relations Committee a "distant adjunct" of all the Governments and as such relegated to negligence. Moreover it has served to create intermediary ruling races who dominate the Provinces and naturally all the benefits, that accrue from any Scheme of Reforms calculated to grant more power and privilege to the people, come to them. Hence the Oriya position has become more insecure and the fruits of reforms are practically denied to them. Their fate is no better than that of the Scheduled Districts classed as backward tracts.

Since the eighties of the last century the Oriyas have agitated and agitated for their unification under one administration. This was recognised by Commissioner Cook of Orissa in the Annual General Administration Report of Orissa in 1894-95. In their letter No. 3678 of 3rd December, 1903, the Government of India were "disposed to unite the whole of Oriya-speaking peoples, both hill and plain, under one Administration." Over 25 long years have passed,

during which great and momentous administrative changes were made and unmade, partitions were made and annulled, but the pious wish of the Government of India to unite Oriyas is still unfulfilled and their strenuous continual constitutional agitation goes unheeded.

In the great Indian body politic, the Oriyas emerge as a distinct factor. They have a history of their own and are distinguished from others psychologically and socially, ethnologically and linguistically, educationally and economically. The predominance of a vast majority of another race has in many instances tended to effect this distinctive feature of the race. Lord Crowe in his Durbar despatch of 1911 admitted this when he said "Orissa has long felt uneasiness at a possible loss of identity as a distinct community." But this lip-sympathetic recognition of the psychology of the Oriya people ultimately ended in getting them from the frying-pan to the fire by placing them under four administrations instead of three as before.

The Oriya's demand of his linguistic boundary is corroborated by Dr. Grierson in his Linguistic Survey of India. "The Orissa country is not confined to the division which now bears that name. It includes a portion of the district of Midnapore in the North, which together with a part of Balasore was the Orissa of the phrase "Bengal, Bihar and Orissa" met in the Regulations passed by the Government in the last decade of the 18th century. Oriya is also the language of most of the District of Singbhum belonging to the division of Chhotanagpur and of several neighbouring Native States which fall politically within the same division (some of which have lately been transferred to the Orissa States). In the West it is the language of Raipur in the Central Provinces and also of the number of Native States which lie between those Districts and Orissa proper. On the South it is the language of the North part of Madras, District of Ganjam with its connected Native States, and of the Jeypore Agency of Vizagapatam. It is thus spoken in three (now in four) Governments of British India, viz., in the Lower Provinces of Bengal, in the Central Provinces and in the Madras Presidency (and in Bihar and Orissa). "Sometimes the Oriya characters are frankly abandoned and the language is written in Bengalee character." The above statement is a clear proof of the loss of the identity of the Oriya race referred to above.

After two decades of strenuous and continuous constitutional agitation the Oriyas were fortunate in drawing the attention of the authors of the joint report during the Reform days in 1919 who recognised the claims of Orissa in the following terms:—

"In Orissa and Berar at all events it seems to us that the possibility of instituting Sub-Provinces need not be excluded from consideration at a very early date." Ten long and expectant years have passed, but the "early date" adumbrated by Montague and Chelmsford has not yet arrived, though the Orissa representatives have, since then, in the local and Imperial Legislatures, drawn the attention of the Government to the fact of uniting the Oriya-speaking tracts under one Government. The Government of India only moved so far as to institute a Commission of Enquiry (under Philip and Duff) into the Oriya tracts in the Madras Presidency, who sum up their enquiry thus: "There is a genuine, long standing and deep rooted desire on the part of the educated classes including the Oriya Zamindars and that wherever the Rayats have learnt something of the matter they are entirely in favour of Amalgamation."

That at least is a piece of "accumulated official evidence" and would have satisfied Mr. Montagu were he living to steer the administrative ship of India.

The authors of the Constitutional Reforms were impressed with "the artificial and often inconvenient character of existing administrative units" and were "convinced that the business of the Government would be simplified if administrative units were smaller and more homogeneous." All those just and

weighty considerations were consigned by them to the limbo of impracticability under the weight of Reforms which they advocated. Further, they say that "division of territory which are not made in response to a popular demand is apt to provoke wide and deep-seated dissatisfaction." Is not the demand of the Oriyas for union a popular demand? Is not this uncouth combination of the Oriyas with people of other races and languages unnatural and unjust? Have not the Oriyas been "sacrificed without compunction" as Lord Curzon put it? It is a pity that the authors of the Reforms failed to do what they could have done by a stroke of their pen. Certainly the Oriya union would never have been imposed upon the people by official action. The Oriyas demanded it and they could have granted it if they meant to do justice. Instead of having recourse to a process which should have preceded rather than followed the Reforms in order that all peoples and races of India might have reaped its benefits, the authors left the matter to the Government of India which in July, 1917, has been depicted by the Right Honourable Mr. Montague as "too wooden, too iron, too inelastic and too antediluvian." Till now the case of Oriya union has been buried under red tape and it may continue there till Doomsday unless the Oriyas put themselves under better tutelage to learn the mode of agitation that tells.

Orissa has always been the pawn of experiments. Like a football she was kicked from one Province to the other and the people were never consulted. In uniting all Oriyas under one administration a consultation of the wishes of the people concerned is deemed necessary, but in putting the Oriya people under other races it was never dreamt of. Rather this vivisection of the Oriya people is explained away as a matter of historical accident over which the Government have no control and they cannot remedy it even if they so desire.

A separate administration for fifteen millions of people is not an unreasonable or childish demand. The only peg on which the authorities hang their arguments against, is finance. If the Government were determined to save the Oriya people, no financial difficulty would stand in the way. It never did in the case of the North-Western Frontier Province. It was never thought of in the case of Bihar. The North-Western Frontier Province does not meet its own finance. What vast sums of money were spent over the abandoned temporary capital at Ranchi and the new capital at Delhi? Were the people consulted then? Did financial considerations weigh with the authorities in these matters? Certainly not. "There is a Way where there is the Will."

But only in the case of Orissa, finance proved to be the stumbling block of the authorities. Recently our Intermediary Ruling Races in the All-Parties Conference, that met at Delhi and Bombay have also stumbled on the same financial rock. This mentality is the outcome of a notion of Standardised Provincial Government in all the Provinces of India. "Cut the coat in accordance with the cloth you have" is an old saying, inapplicable to the Indian Administration. The Government is not shaped to suit the Finance of the country, rather the people are required to supply money to feed the hobbies or prestige of which in area and population though small carry on their efficient administration. They do not emulate England, Germany, France or Italy in matters of finance. Even in India there exist administrative units with much less population and area. The North-Western Frontier Province, Baluchistan, and Ajmere Marwara are instances. Their area, the population and finance will not exceed that of the united Oriya Province. If the suggestion of Mr. Lionel Curtis be considered sound and healthy for the good and efficient Government of India, a number of small federated States on the line of the States of the United States of America will be necessary.

## MEMORANDUM ON BEHALF OF THE PEOPLE OF ORISSA.

[Continued.]

States formed on the basis of language and race are more homogeneous and so calculated to bring on peace and contentment to the various linguistic units forming the great Indian Nationality. The parable of body and the members should not be lost sight of. A weak unhealthy portion of India will neither contribute to the strength of the Indian Government nor facilitate the growth of Indian Nationalism which leaders of all shades of opinion so ardently desire. Unity and expansion of the diverse racial units of India can only contribute to the autonomous development of the United States of India or else democratic Swaraj will be an impossibility; and Swaraj, whatever be the connotation of the term, will mean a substitution of the brown bureaucrat in the place of the white one.

A sore in the extremity of a limb takes time to heal as circulation is feeblest towards the end and it is far removed from the heart. The human body affords a striking parallel to an administration. The disabilities and disadvantages due to distance have been summed up by the Government of Bihar in their letter to the Financial Relations Committee on May 29th, 1920. "The development of Bihar and Orissa was hampered in the past by its attachment to Bengal. That Province not unnaturally devoted a large part of its limited resources to develop in and near the capital city of Calcutta, while its distant adjuncts in Bihar and Orissa were neglected." What was true of Bihar and Orissa with Bengal is more true in the case of Orissa with Bihar. Calcutta, the capital city of Bengal—was only 250 miles from the seat of Orissa's capital, while Patna, the capital of Bihar is over 600 miles from Cuttack. Orissa the distant adjunct of the Province of Bihar "not unnaturally" suffers disadvantages and inattention due to distance by a greater degree than she suffered with Bengal. Hence we emphatically declare that the existing areas so far as the Oriya-speaking tracts are concerned are most unsuitable for Legislative and Administrative purposes.

The foregoing sentiments also find an echo in the Parliamentary Speech of Lord Curzon, the Author of the Partition of Bengal, where he made a prophecy the following terms:—

"Take the Orissans. No one has paused to think what they want. You could not know of your secrecy, because you consulted nobody in advance. They want the re-union of the Oriya-speaking people. They want to remain under Calcutta to which they have been attached so long. What is the good of Orissa being tied to the tail of Bihar, where there is no affinity of language or race, with which they have nothing in common and from which they are separated by a great belt of mountains and rivers over which we have never been able to carry a railway. I venture to prophesy that this is a blunder that cannot remain permanent. Were the Orissans an agitating people, which they are not, they would soon make their protest heard. As it is they have been sacrificed without compunction. The same might be said of Chhotanagpur, but I will not labour that point. The fact is, this new Province of yours on the West of Bengal is a bundle of odds and ends which you have thrown together because you did not know what else to do with them. In Bengal you have united Bengalees because they are all of the same race and language, but when you come to these other Provinces, you force into an unnatural union these people of different race and language."

Further an Ex-Minister of Bihar, Mr. M. S. Das, C.I.E., pointed out the Oriya disabilities to the Muddiman Committee in 1925 in most unequivocal terms. We place the whole text with the Bihar Government's comment thereon in Appendix A.

The history of the movement and various difficulties have been set forth at some length in the Book entitled "The Oriya Movement" which we submit herewith as Appendix B\*. A rough outline of

Franchise is appended in Appendix C. And the financial aspect of the new Province in Appendix D. Some authoritative opinions of those responsible for Indian Administration and Provincial non-Officials are given in Appendix E.

While submitting this rough outline we reserve a fuller observation on these subjects at a later date. Our demand is the same as we put forward before the Montagu and Chelmsford Commission.

For reasons stated above we most sincerely and emphatically demand that all the Oriya-speaking countries be placed under a separate administration or be placed under an administration where the Oriyas will find ample scope for their expansion, peace and contentment and will be propitious for the autonomous development of the Oriya people, so that the benefit of Political and Administrative concessions may not be interloped by an intermediary dominant sister race. We want bread, pray serve us not with stones.

Whatever be the criticisms levelled at the British Administrations by the Indians, their faith in the sense of justice of the British people is not fully shaken. We, on behalf of the Oriya people, approach the Members of the Commission with an unswerving faith in their sense of justice and hope that justice be done, if justice be due, to the Oriya grievance.

## APPENDIX A.

NOTE OF MR. MADHU SUDAN DAS, C.I.E., LATE MINISTER OF BIHAR AND ORISSA.

The reforms were introduced as a remedy to the political situation created by a foreign rule more than a century old. The peasants who form 99 per cent. of the population are ignorant. They do not understand economic principles underlying the administration. They know that their economic condition is growing from bad to worse. They trusted the high caste educated people and had been in the habit of being led by them. When the educated people were disaffected towards the ruling race disaffection permeated the whole social atmosphere. It became a simple race question, people did not stop to enquire into the relative merits of the existing system and the promised Swaraj. Race feeling is the overpowering passion. Race feeling is not directed to a particular race. Race feeling, as history shows, seeks to promote the interest of the race and it does not matter what race's interest clashes with the interest of the race which occupies a vantage ground. History shows that the Jews divided the population of the world into two classes, Jews and Gentiles. The Greeks divided the world's races into Greeks and Barbarians, the Hindus divided the world's population into Hindus and Mlechhas.

The population of this Province has two races: Biharis and Oriyas. A perusal of the reasons given in paragraph 20 of the despatch dated the 25th August 1911 will furnish sufficient justification for the Bihar feeling that Orissa has been tacked to the new province for the benefit of Biharees, as without tackling Orissa Bihar could not claim a Council Government being too small both in area and population.

Once a race is impregnated with the belief that the best interests of another race will be secured by the former's control of the administration, it is not possible to induce the more powerful race to give the inferior race an opportunity to develop a sense of responsibility.

This is illustrated by the strong objection of the British members of the various services to transfer the control of a subject to an Indian Minister. It is nothing but a race question.

It is not possible for an Oriya to hold the office of a Minister in the Bihar and Orissa Government. On account of the presence of the Oriya race, the Biharees will support any Bihar Minister. But if the province had only a single race there would be criticism against an alien race Bihar Minister. Two does not fight with a single race in white fighting for the benefit of



(V) Mines, Forest and Mis.  
Revenue (Provincial) Rs. 61,238

(VI) Local cess, Roads and  
P.W. incomes :—  
Cuttack ... Rs. 2,30,190  
Puri ... Rs. 1,13,404  
Balasore ... Rs. 1,12,679  
Rs. 456,282/-

Sambalpur (Figures are included in land Revenue Account).

(VII) Jails :—  
Cuttack ... Rs. 17,805/13 as.  
Puri ... Rs. 2,784/15 as.  
Sambalpur ... Rs. 2,783/3 as.

(VIII) Registration :—  
Cuttack ... Rs. 85,533  
Balasore ... Rs. 43,412  
Puri ... Rs. 38,487  
Angul... Rs. 1,168  
Sambalpur ... Rs. 4,418  
Rs. 173,924

Total of Income (I)—(VIII) Rs. 85,15,470.

The land Rev. will undergo an increment of 25 to 30 p.c. after the present settlement in 1929 Rs. 10,00,000/-.

To this total must be added the income on other heads of revenue which may amount to Rs. 5,00,000/-.

From Orissa with Bihar and Orissa we get an annual Revenue of about one crore.

Income-tax and supertax in Ganjam as gathered from Mr. U. M. Sen's report Rs. 40,00,000/-.

Income from Ganjam as per Mr. Sen's report Rs. 38,00,000/-.

Income from other Oriya-speaking tracts, e.g., the District of Singhbhum in Chotanagpur, nine thanas in Bengal, Khairi, Bastar, Padampur, Chandrapur and Malkhurda States etc. in C.P. approximately about Rs. 30,00,000/-.

We may fairly estimate a total revenue on all heads of Orissa to be two crores and twenty lacs.

When Assam was taken over from the Chief Commissioner to be a Governor's Province it had an income of one crore and 75 lacs.

As far as could be gathered from these incomplete figures finance won't stand in the way of creating Orissa a Governor's province just like Assam, if the Government of India and the British people desire to save from extinction a very ancient race, with history, literature, architecture and language of their own.

#### APPENDIX E.

#### OPINIONS OF PROMINENT OFFICIALS AND NON-OFFICIALS.

#### GOVERNMENT OF INDIA'S LETTER TO THE GOVERNMENT OF BENGAL, DATED 3RD DECEMBER 1903.

"On the grounds above stated the Government of India are disposed to unite the whole of the Oriya-speaking peoples, both hill and plain, under one administration, and to make that administration Bengal. In other words they would add to Orissa the Oriya-speaking tracts of Sambalpur (615,941 Oriya-speaking people out of a total population of 829,698) and its Feudatory States, the Ganjam District (with the possible exception of one Taluq in which Oriya is said not to be the prevalent language) and the Ganjam and Vizagapatam Agency Tracts. Such a scheme would solve the question of language once and for all. This change would relieve both the Central Provinces and Madras of a troublesome excrecence upon their administrative system; and it would result in handing over the Oriya problem to one Government alone, on a scale and with a unity that would admit of its being treated with consistency and efficiency."

#### LETTER OF LIEUTENANT GOVERNOR OF BENGAL TO THE GOVERNMENT OF INDIA, DATED THE 12TH SEPTEMBER 1904.

"Probably it may be admitted that geographically and ethnologically the Ganjam district and its Agency tract ought to have been under one administration with Orissa proper and with the Oriya-speaking tracts of the Central Provinces, the common bond being the identity of race and the longstanding connection of the Orissa district with the rural tracts of the hills. The ancient history of these tracts seems to indicate that this would have been the suitable arrangement."

#### THE HON'BLE MR. (NOW SIR HUGH) MCPHERSON, I.C.S., AS CHIEF SECRETARY TO THE GOVERNMENT OF BIHAR AND ORISSA, WROTE TO GOVERNMENT OF INDIA (10th DECEMBER 1928).

"The politicians of Orissa concentrate their attention to the claims of Orissa to a separate provincial administration and to the union with the parent stock of all Oriya-speaking tracts which are now included in the adjacent Provinces."

#### SIR WILLIAM VINCENT, HOME MEMBER, GOVERNMENT OF INDIA, IMPERIAL LEGISLATIVE COUNCIL (1920).

"I am quite prepared, however, if I can secure the sanction of His Excellency in Council to this course, to have a full investigation of the facts, to ascertain the view of the Local Governments and prepare such materials for the use of the new Governments as may assist them in arriving at a just decision in this matter."

#### REPORT OF PHILIP-DUFF COMMISSION, 1924.

"There is a genuine, long-standing and deep-rooted desire on the part of the educated classes including the Oriya Zamindars and that whenever the rayots have learnt something of the matters, they are entirely in favour of amalgamation."

#### H.E. SIR HUGH MCPHERSON, ACTING GOVERNOR, BIHAR AND ORISSA, AT DARBAR CUTTACK, (APRIL 1925).

"Orissa sometimes grumbles about her neglect under the existing regime and calls herself the 'Cinderella' of the new province."

"That consummation for which all good Oriyas aspire, a reunited Orissa with a University of its own as a first step towards the goal of being completely self-contained."

#### RAI BAHADUR DWARIKANATH (BIHAR AND ORISSA COUNCIL 1921).

"Even if Orissa is lost to us, I am prepared to say that it will not be fair for us to stand in the way of the aspirations of the people of Orissa. It matters little whether it is a gain or loss to us. Let us sympathise with their aspirations. Let us say distinctly that so far as we are concerned we wish them god-speed, we bless their aspirations and we have every sympathy for them."

#### THE LATE SIR SURENDRA NATH BANERJEE ON MR. SACHIDANANDA SINHA'S RESOLUTION.

In the Indian Legislative Assembly 1920.

"My friend has referred to the fact that the Oriyas are in a minority all over India, they are in a minority in Bengal, in Bihar, in the Central Provinces and in Madras. What does that mean? It implies that in all matters affecting their well-being the representatives of the Oriya-speaking population have no determining voice, and evil is likely to be aggravated when the Reform Act comes into operation. That seems to me to be an intolerable situation inconsistent with the self-respect of a growing and advancing community."



## CRITICISM ON NOTE ON REVENUE AND EXPENDITURE OF GANJAM.

[Continued.]

is taken from the Special Officer's note on land revenue:—

	Original (i.e., figures supplied by Madras Govt.) (thousands of rupees).	Revised calculations (i.e., Mr. V. N. Sen's revised calculations) (thousands of rupees).
April, 1923, to June, 1923 (3 months) ...	1,987	367
July, 1923, to June, 1924 (1 year) ...	2,270	2,270
July, 1924, to June, 1925 (1 year) ...	2,505	2,505
July, 1925, to March, 1926 (9 months) ...	2,149	2,149
Total ...	8,911	7,291
Deduct cess levied in Yanam and Mettala for three years ending March, 1926 ...	1,294	1,294
Deduct Bayatavan cess for three years ending March, 1926 ...	584	584
Average for three years ending March, 1926 ...	2,572	1,832

It will be seen that the average annual revenue of 2,572 thousands has been reduced by Mr. Sen to 1,832 thousands. He explains that there was an error in the figures originally supplied by the Madras Government for the three months April, 1923 to June, 1923. Granted, but why should the revenue be 367 thousands against a gross annual revenue of 2,270 thousands in Fy 1923 (July, 1923, to June, 1924) and of Rs. 2,505 thousands in Fy 1924 (July, 1924, to June, 1925)? Does 367 represent the net revenue instead of gross revenue? In Ganjam revenue is paid in four lots against two lots in Orissa. We should therefore take a quarter revenue paid into treasury which Mr. Sen does not appear to have done. Again, if we take the average of the actual revenues of the two years 1923 and 1924, the annual average comes to 2,388 and one-fourth of that representing three months' income comes to 597. And if we take actual figures for nine months of the year, 1925-26, an approximate revenue of three months will amount to Rs. 716 thousands. Taking the average between the lowest and the highest figures (497 and 716 respectively) the average comes to 606. It is not clear from Mr. Sen's report that 1,987 represents the actual figure for the whole Fy 1923, but supposing it were so, a quarter's revenue should be 497 thousands (gross revenue) and not 367 thousands, as assumed by Mr. Sen. Again from the three years' gross revenue of 8,911 as estimated by Madras Government and of 7,291 thousands as revised by Mr. Sen a deduction of 1,794 thousands has been made by Mr. Sen on account of cess payable to the District Board. In Orissa cess is levied separately from land revenue, but in Ganjam it forms an integral part of land revenue, though the revenue from cess is paid to the District Board as in Orissa. Therefore any mistake in calculating gross revenue produces a similar mistake in the amount of cess revenue. As Mr. Sen reduced the gross revenue by 16½ lakhs he should, for the purpose of deduction, have reduced the cess revenue proportionately. He has not done this, with the result that the net land revenue has unduly been underestimated. Cess revenue in the original estimate was about 20 per cent. of the gross land revenue, so that after necessary corrections, Govern-

ment's share of the average annual land revenue stands as below:—

	Mr. Sen's revised estimate.	Correct revised estimate.
Gross revenue in three years ...	7,291	7,531 [7,291 + (606 - 367)]
Deduct cess ...	1,794	1,500 (20 per cent. of 7,530) (Madras Govt. figures)
Net revenue in three years ...	5,497	6,031
Annual average ...	1,832	2,008
The revenue of the district as a whole thus comes to as calculated by Mr. Sen ...	3,803	
Add for mistake as above ...	176 (2,008 - 1,832)	
Total ...	4,039	

This reduces the deficit in the district as a whole from 651 thousands to 475 thousands or, say, from 6½ lakhs to less than 4½ lakhs.

3. There is a very strong presumption of another unexplained fallacy at the end of his report (Para. 46 of Mr. Sen's Report). Mr. Sen's calculations of revenue are not based on the recommendations of Philip and Dutt Commission inasmuch as they recommended the inclusion of Parlakumesh, Tikali and Sonapeta in Orissa. Mr. Sen has calculated the revenue and expenditure of what may, for want of a better description, be called the predominantly Orissa speaking tracts of the district as follows:—

	Revenue in thousands.	Expenditure.	Surplus (+) or deficit (-)
For the whole district ...	3,803	4,514	- 651
Deduct amount for the excluded area ...	1,357	872	- 485
Net for predominantly Orissa speaking tracts ...	2,506	3,642	- 1,136

A glance at the above statement will show that though the district as a whole is in deficit to the tune of 6½ lakhs, yet that portion of it which is treated as an excluded area has, according to Mr. Sen, a surplus revenue of 485 thousands. To the ordinary mind this is an inconceivable situation. How does it happen that only that portion of the district which it is desired to transfer to Orissa is maintained at a loss? The answer is suggested by Mr. Sen himself. He subjected the revenue of the district to a severe scrutiny but in respect of the excluded area he accepted the untested figure, supplied by Madras, (Para. 46(2) of Mr. Sen's Report.) For instance—

(1) He made a deduction of 540 a year under land revenue in the district as a whole (para. 7 of Report, see under V—Land Revenue) but made no corresponding reduction for the excluded area. Assuming that the land revenue of the excluded area is one-fourth of the total revenue, a deduction of 135 should have been made on this account, as below:—

	Rs.
Deduction in three years' revenue ...	1,620
Annual average ...	540
One-fourth of above ...	135

(2) He did not allow reduction in revenue to be made for the excluded area on account of cost price of opium—see para. 8 of his report. Opium is purchased from the Government of India, the cost of this was 167 thousands for the Ganjam district in 1925-26. This is shown as an expenditure in the accounts of treasury, but not in the accounts of sub-treasuries. Opium



## CRITICISM ON NOTE ON REVENUE AND EXPENDITURE OF GANJAM.

[Continued.]

is issued to licence-holders both from treasuries and sub-treasuries at about double the cost price. Therefore double the cost price is shown as the revenue of a sub-treasury or a treasury and the net revenue should be an amount equal to the cost price. In the case of the district as a whole, Mr. Sen has taken the net revenue only, but in the case of the excluded area he must necessarily have taken the gross revenue. It is not possible to say what the net revenue in the excluded area should be, but it may be taken as about one-fourth of 157, i.e., 39 thousands.

(3) Again under XIII.—Irrigation, Madras Government had shown no revenue, but in Mr. Sen's report a deficit of 90 thousands was entered, of which, according to para. 14(b)(2) of his report, the Ganjam Minor River System in Chicacole is responsible for 30 thousands. This 30 thousands at least should have been deducted from the figure 1,357 which he regards as the revenue of the excluded area.

(4) On the expenditure side he added a sum of 37 thousands under "Stationery and Printing" to the expenditure of the district, but could not have allowed proportionate increase in the expenditure of the excluded area, as his figure is taken from the sub-treasuries which do not include indirect expenditure like this. Moreover in calculating the expenditure of the excluded area he has taken the accounts of 1925-26 only, but in working out the expenditure of the district he has taken the highest possible figure. Thus the revenue of the excluded area should not have been taken at more than 1,357— $(135 + 39 + 30) = 1,153$  and its expenditure should not have been less than 891. Thus according to his own methods of calculations and allowing for obvious mistakes the deficit in the predominantly Oriya speaking tracts works out to

	Rs.
District revenue ... ..	4,087
Deduct revenue of excluded area	1,153
Revenue of the "predominantly Oriya speaking tracts" ...	2,934
District expenditure ... ..	4,514
Deduct expenditure of excluded area ... ..	891
Expenditure of predominantly Oriya tracts ... ..	3,623
Deficit in ditto ... ..	689

against 11½ lakhs reported by Mr. Sen.

4. There must have been other mistakes which cannot be readily detected by the unpractised eye. We have not the advantage, which Mr. Sen had, of having recourse to all the records of Government, of advice of experts like the Accountant-General, Board of Revenue, and Finance Department of Madras. Our conclusions are based on the statistics and details given by Mr. Sen himself. In my opinion, even if we assume that the deficit is not shared by excluded area, there is no reason to suppose that that area alone is surplus to the extent of 485 thousands. The utmost that can be conceded is that revenue and expenditure balance in the excluded area. There can be no doubt that the assumed deficit of 11½ lakhs is greatly exaggerated.

5. What has been stated above is a mere re-statement of conclusions reached by Mr. Sen, allowing for obvious mistakes. It does not mean that his conclusions are accepted. He has in fact dealt with the subject from a view-point which was really a financial survey on behalf of a Government unwilling to take over charge of the district. He has reported not on the question whether Ganjam is paying its way but whether Ganjam will pay its way after adopting for the district the best standards of

administration both under the Madras and the Bihar systems. We shall illustrate our point in the following paras. by examining the standard of expenditure recommended by Mr. Sen under some of the heads:—

6. 8 and 8A. Forest.—Mr. Sen worked out the probable expenditure in 1926-27 to be 199 thousands to which he added 28 thousands on account of the Saw Mills of Russelkunda, thus giving a total of 227 thousands rounded to 230 thousands (Para. 12 of Mr. Sen's Report.) Now this loss of 28 thousands on the Russelkunda Saw Mills is not a real loss but a fictitious one. The Saw Mills at Russelkunda worth more than four lakhs of rupees were completed in 1921-22. It appears that the capital had been financed from ordinary revenues and no interest had actually to be paid to any one, but in 1924-25 either because the accounts were commercialised or because there was some change in the system of keeping Government accounts, the capital invested in the Mills appears to have been treated as a part of the loan fund. Whether the Madras Government actually borrowed money in 1924-25 to finance its ordinary revenues is not clear. In their reply to a question put in the Madras Legislative Council on 8.9.1928 by Sriman Biswanath Das Mahasaya, M.L.C., the Government of Madras published a copy of the statistics furnished to the Government of Bihar and Orissa regarding the revenue and expenditure of Ganjam. They have specifically mentioned therein that interest has to be paid to the Government of India on capital sunk in the Rusikula Irrigation System, but they make no reference there to the payment of interest to the Government of India on account of the Saw Mills. The presumption therefore is that the money spent or advanced was found from the Provincial Exchequer and no interest is paid thereon. There is therefore no reason why this interest should be taken into account in examining the financial condition of the district, it being merely a paper transaction like emptying one pocket to fill another. We may assume, however, that interest has to be paid, say to Government of India. What we wish to emphasise is that under the commercial system of accounts, in spite of a depreciation fund of Rs. 15,000 having been opened out, of which nothing has been spent so far, a sum not less than Rs. 20,000 is debited to the accounts of the Mill, year by year, as depreciation of buildings, machinery, etc. This amount has certainly not to be paid to any one and its omission would mean a corresponding profit of over Rs. 20,000. This including a profit of about 8, which the Mill is latterly making, would exactly cover interest. For the purpose of calculating the finances of the district what is required is to find out the direct receipts from and expenditure on the Mill, allowing for interest and not commercial profit and loss. We cannot quote the direct receipts and expenditure, but from what we can make out from the balance sheet there is no actual loss on the Mill. The expenditure under Forest should therefore be taken at most to be as 199 thousands and not as 230 thousands. It may be noted that taking the expenditure in March to be  $\frac{20+27}{2} = 23\frac{1}{2}$  or 24, the average expenditure in three years figures given by Mr. Sen works out to  $\frac{175+158+(172+24)}{3} = 529$  or say 176. As the Forest Department generally works on a profit, an income of 178 and expenditure of 176 is more probable and should be taken as the standard.

May we point out here that if the excluded areas are not transferred to Orissa it may not be necessary to maintain a Divisional Forest Officer at Ganjam in addition to a second Imperial Service Officer at Russelkunda and the Provincial Service Officers at Berhampur. Cannot the Divisional Forest Officer, Khurda, add Ganjam to his charge? This is a point which Mr. Sen has not examined.

## CRITICISM ON NOTE ON REVENUE AND EXPENDITURE OF GANJAM.

[Continued.]

7. 5. *Land Revenue and 22. General Administration.*—As there are no Divisional Commissioners in Madras, senior officers are probably placed in outlying tracts as Collectors, but even so an officer on the maximum pay of Rs. 2,500 cannot always be placed in charge of the district. (Para. 18 and 19 of the Report.) Mr. Sen should have based his calculations on average pay instead of on the highest possible actual expenditure. He has also exaggerated expenditure in other respects. For example, under Works expenditure retails in 1925-26 were 70, and probable in 1926-27 was 68, but Mr. Sen adopted 75 without any reason whatsoever. The average expenditure was worked out to 504 in the Collector's Office. Mr. Sen raises it to 1,035 which was the probable actual at the time he collected the figures. It is clearly the mean between Mr. Sen's and the Collector's figures would be a fair average.

8. *Stages 17 and 21. Administration of Justice.*—No allowance has been made on the revenue side for court fees payable in suits in the Madras High Courts. It is also doubtful whether with a reduced area there will be sufficient work for a District Judge at Ranchingur. The Judge may take up one Orissa district and by process of adjustment the revenues of Bihar and Orissa are likely to be proportionately reduced if the expenditure on Additional Judges.

9. 23. *Education.* Under Education, Mr. Sen found that the expenditure in 1925-26 under Grant-in-aid and in 1926-27 under Establishment was 750 a year. (Para. 76 of Mr. Sen's Report.) He, however, rejected this and took the actuals of 1926-27. He found that 713 had been spent up to February, 1927, in 11 months and adding to it 125 which is the maximum in March during three years as the probable expenditure in March, 1927, arrived at the actual expenditure of 838. To this figure Mr. Sen has again added another 20 on account of two new schemes of stage 20 in all. We are not informed when effect will be given to these or whether they have been finally approved or not. We know whether these will be at the district only or any larger area. It is doubtful whether this sum of 20 thousands should be taken into account, when the expenditure was not being incurred at the moment. We report these for the present. Mr. Sen's apprehensions about the Ganjam students going to Madras and consequent contributions is fictitious. It is rather strange that Mr. Sen jumps from Madras to Patna, without taking any note of a first Grade College at Cuttack, where at present the Orissas of Ganjam do not find place, as they are treated as aliens of another Province, though domiciles of this Province and an easy berth in the College.

10. *Medical 32.*—Here again it is doubtful whether the additional 30 for dispensaries is justifiable. It should therefore be omitted from present calculations as expenditure is not incurred at present.

11. 41. *Civil Works.*—It is here that the capacity of the Financial Expert to bend statistics to his will has been given the full play. (Para. 37 of Mr. Sen's Report.) Mr. Sen put 277 "as more or less normal" annual Civil Expenditure under this head. To this he added 75 as Public Works Expenditure thus making a total of 352. This did not, however, satisfy him. He must look forward and allow "something" for the programme of work to be carried out in the "near" future. The "something" turns out to be 45 lakhs and the "near future" to be 18 years, seeing that he has recommended an additional expenditure of 2½ lakhs a year. Taking his projects one by one, there was a programme of 701 to be completed by 1931-32 for which 178 was required in 1927-28. If Madras have not put it off on the ground of uncertainty as to whether Ganjam will pass out of their hands, in which case the Government of Bihar and Orissa can put it off on the ground of financial stringency, this programme will have been completed by the time Ganjam is transferred to Orissa. Secondly, regarding the model village for

Government officials, and thirdly, regarding a group of projects, costing about 16 lakhs, it is not stated if there is any need for hurry over the matter. Then the Collector's Office and the Taluk Office, which if urgent, Madras Government will have completed them before the amalgamation is effected. Then the police programme of about 15 thousand a year, and lastly, a group of projects for which Government may have to find funds. I ask, if the proposals of the Road Development Committee go through, will not Ganjam get a share of the additional revenue? The fact is Mr. Sen was peeping into the gloomy future without turning his eye towards anything bright, so much so that he forgot to take into account the amount which is already spent in Civil Works. Though expenditure on roads and buildings and bridges is continuous, the completion of a project means the liberation of money for taking up another. He has given a full list of projects which may have to be taken up during the next two decades and he says that about 2½ lakhs will be required for the 6 annually. Now what is the difficulty in financing these from the grant of 191 to local bodies and 75 which is spent directly by Government or how will this 191 and 75 be utilized, if 2½ lakhs are required for all the future programmes. The fact seems to be that he prepared a long list of projects and got frightened into thinking that these required additional funds, forgetting that he had already included 268 thousand in the normal expenditure which would be available for these purposes. Let us examine this from another standpoint. The total provision in Bihar and Orissa under Civil Works excluding Amul is 7,582 in 1928-29 which works out on average to 300 thousand per district. If the Government of Bihar and Orissa are spending 300 annually in districts already under their charge what reason is there to say that they will spend double that sum in a district which is newly transferred to them. Is Madras Government neglecting Ganjam? Are there no cracked buildings in Bihar and Orissa? Are roads fully provided? Every river bridged? Either say the Government of Madras is inefficient and neglectful or say you are deliberately setting up a financial scare to put off the heart's desire of a demembered and downtrodden race. It may be pointed out, however, that the Executive Engineer of Ganjam will probably be able to take over Puri district and part of Cuttack, thus enabling the Executive Engineer, Cuttack, to take over Angul. The pay of the District Engineer, Angul, will thus be saved. It is most unjustifiable to add 2½ lakhs to the standard recurring expenditure, which should be omitted altogether.

12. Allowing for these corrections as suggested above, the revenue and expenditure account stand as follows:—

	Rs.
Revenue of district as worked out by Mr. Sen	3,863
Add for mistakes under land revenue	176
Total	4,039
Expenditure as calculated by Mr. Sen	4,514
Deduct:—	
8 and 8A—Forests	54
Land Revenue and General Administration	35
Education	20
Medical	30
41, Civil Works	248
	387
Standard Expenditure	4,127
Net deficit	88

The deficit of the district as a whole thus works out to 88 thousands. If we suppose that it is distributed evenly between the excluded and the other areas the amount will be reduced still further.

selves decently. The average districts must be contributing their quota to the general revenues and there is no reason to suppose that Ganjam will be the only exception of a deficit district. Mr. Sen applied a most rigid and parsimonious scrutiny to income and was as liberal as possible with expenditure. It is no wonder that a deficit of nearly 35 per cent. or half the revenue was declared by him.

A REPLY TO MR. U. N. SEN.

Ganjam is a deficit district and that this deficit may come to Rs. 11.36 lakhs. It is the purpose of this rejoinder to show that Ganjam has never been a deficit district, that the Treasury accounts are correct but are inaccurately noted by Mr. Sen and that these 9 Taluqs taken by themselves have always a plus balance.

Before I begin my observations I wish to present the reader an account of the incomes of the Province as a whole during these three years:—

- |         |     |     |     |       |         |
|---------|-----|-----|-----|-------|---------|
| 1923-24 | ... | ... | ... | 16.47 | Crores. |
| 1924-25 | ... | ... | ... | 16.27 | "       |
| 1925-26 | ... | ... | ... | 16.41 | "       |

It is seen that the year 1924-25 was the worst year on record for the reason that there were severe floods in the North-East Coast called the Circars and the West Coast of the Presidency causing breaches of irrigation works and crop failures. I quote the following from the report on settlement of the Land Revenue for Fasli 1333 dated 29th April 1925 from the last page reviewed by the Government.

“There was exceptionally heavy rainfall during both the monsoons in certain areas which caused local floods in Malabar, the Northern Circars and Tinnevely \* \* \*” “Relief operations under the famine code were conducted in parts of Ganjam, Bellary and Anantapore. Remissions were granted to the extent of Rs. 24.04 lakhs as against Rs. 8.21 lakhs in the previous fasli.” This clearly shows that the cyclone of November 1923-24 had its after-effects in the year 1924-25. The receipts under one and Revenue had necessarily to be reduced owing to the heavy remissions which government had to give as the result of cyclone. The actuals of these three years therefore represent the minimum receipts. On the other hand heavy expenditure had to be incurred in repairing breaches of irrigation works, in appointing special staff to estimate remission and also loans under the Agriculturists' Loan Act and the Land Improvement Loans Act. The relief operations noted above combined with cyclonic repairs have also increased the spending capacity of the Public Works Department. The Treasury Accounts of revenue and expenditure of these three years are not therefore a safe guide for the normal receipts not even for the normal expenditure. Being ignorant of these conditions Mr. Sen arbitrarily enhances his standard figures of expenditure to the highest pitch. Thus under Civil Works (P.W.D.) his average treasury actuals come to Rs. 2.75 lakhs in forests, he suggests a standard of 2.30 lakhs without giving any treasury figures. The expenditure for these five

His calculations of the expenditure for these five Taluqs proposed to be excluded are equally defective. These figures leave out of account the proportionate share of expenditure incurred in the shape of pay, establishment, contingencies etc., both of office and of officers of every Head of Administration in the District. Not content with all these omissions he cuts down the receipts of the District. The receipts under Land and Revenue as per Treasury account of these three years have on the average been shown as Rs. 23.72 lakhs. The figures given in reply to my interpellation No. 448 dated 7-9-28 correspond to

The Agency Division covers 3,500 sq. miles while Ganjam District 4,798 sq. miles with a population of 18,35,562. Mr. Sen's report not only forgets to include the Jeypore Agency extending over 12,000 sq. miles with a population over 10,10,000 with a preponderating element but also excludes the revenue taluqs and sub-taluqs of Chicacole, Narasannapetta, Tekkali, Parlakhemundi and Sompetta with a population of about 7½ lakhs extending over an area of 1,800 sq. miles. It is not the purpose of this rejoinder to commend or condemn this exclusion but only to show that neither Treasury figures nor his standard figures are based on a correct understanding of facts.

*His Figures.*—Some of his figures are based on a comparison of the Treasury accounts, books of Accountant General's office and figures supplied for the preparation of Administration Report. There is therefore little to question the accuracy of certain items of income of Ganjam District for the three years of 1923-24 to 1925-26 given in Appendix A. Nor have we very much to say against the average of these three years. He then suggests his standard figures which are not only incorrect but are also misleading. To illustrate the point, the average receipts of the District as per Treasury accounts is Rs. 45.84 lakhs while the average expenditure comes to Rs. 37.81 lakhs. Brushing aside the surplus by a curious process of jugglery he arrives at the conclusion that

MEMORANDUM BY MR. B. DAS.

[Continued.]

this amount. But Mr. Sen would not agree to anything less than Rs. 18.32 lakhs as his standard figure. With these general observations I invite the reader to a discussion of the item.

#### REVENUE OF GANJAM DISTRICT.

**Income Tax.**—I proceed to deal with certain important items of Mr. Sen's account given in Appendix 1 and 2. His first item is tax on income. This is an imperial source from which the Madras Government only gets a share as provided in the Devolution Rules. Mr. Sen does not give us the average receipts under this head of the last three years though he was furnished with these figures by the Madras Government. In reply to my interpellation answered in the September sitting of this year the total revenue of these three years has been stated to be Rs. 6,41,368. Thus the annual average comes to Rs. 2,14,000 in round figures which is much more than the income for 1920-21. The total for Tekkali, Sompetta, Paralakherundi and Chicacole Taluqs has been stated to be Rs. 63,000 in round figures. The assessed income under Devolution Rule 15 now exceeds Rs. 50 lakhs. The income under this head may safely therefore be fixed at Rs. 15 thousands.

**Land Revenue.**—The income under this head includes Pesheush, Jodi revenue from village service, both proprietary and ryotwari, sale proceeds of waste lands and land revenue including ryotwari, miscellaneous, etc. The average receipts of three years under the head have been correctly stated by U. N. Sen in his Appendix 1 as Rs. 23.72 lakhs. This agrees with the figures furnished by the government of Madras to my interpellation quoted above while Mr. Sen suggests Rs. 18.32 lakhs as his standard.

In explaining the difference he speaks of certain wrong calculations, i.e., Rs. 19.87 lakhs being noted in place of 3½ lakhs. He then furnishes certain tables in proof of his above statements which is confusion worse confounded. The statements instead of showing the final March Treasury actuals for each of these three years speak of treasury accounts of April 23 to June 1923, July 25 to June 1924, July 1924 to June 25 and lastly July 25 to March 1926. One fails to see how this roundabout course goes to disapprove the accuracy of the treasury actuals furnished by the Government of Madras to the Government of Bihar and Orissa and to me in reply to an interpellation.

Again in reply to my interpellation dated 13-2-26 Madras Government stated that the land revenue and the pesheush from the District of Ganjam alone for 1921-22 amount to Rs. 17.52 lakhs and for 1922-23 Rs. 17.70 lakhs. These sums do not include the incomes under the head of Land Revenue of the three Taluqs of the Agency Division, as also revenues of some of the minor sub-heads of Ganjam District classed under Land Revenue. A further proof of the inaccuracy of the figures in his last statement (details) is seen from the fact that Rs. 4.08 lakhs have been wrongly noted as against Rs. 5.14 lakhs under the head of pesheush in permanently settled areas (vide Administration Report—Land Revenue for 1926-27). Similarly under the head of Ryotwari and miscellaneous for the same year Rs. 12.51 lakhs is wrongly noted for Rs. 13.45 lakhs while the collection for 1926-27 according to statement No. 16 of Settlement of Land Revenue administration is Rs. 14.10 lakhs. Added to these a number of small items such as incomes of cattle compounds, Agency toll-gates receipts, process fees and many similar items with tens of thousands of rupees have been left out of account. All these carry an undoubted inference that no care has been made even to reject the Treasury figures of the Madras Government.

Again in the same table details an average deduction of more than 5 lakhs a year in place of Rs. 2.5 lakhs is shown annually as advance given to Local Bodies for Land Cess. In actual fact from land cess in place of these heavy advances are deducted from the total income Land Revenue. The income of the Ganjam District under this head ranges from 20 to 51

lakhs of rupees. Looked therefore from any point of view the tables of Mr. Sen are misleading and inaccurate. I have already stated that the year 1923-24 started with an apprehension of famine and closed with cyclone. Government reports are quoted how the province was given a remission of 24 lakhs as against 8 lakhs a year as remission and how loans to agriculturists were freely given with special staff from which Ganjam had her due share. Thus the three years taken by Mr. Sen had not only the minimum income from land revenue but also the maximum expenditure by way of remission, etc., as also repairs to branches, irrigation works, etc.

**Forests.**—Neither the income nor the expenditure under this seems to have been properly estimated while the incomes are cut down the expenditure is unnecessarily over-estimated. Thus in the administration report of 1924-25 the income is shown as Rs. 2.35 lakhs and in 1926-27 as Rs. 2.16 lakhs. Mr. Sen states that the income of 1924-25 is abnormal as they include moneys realised from the commercial undertaking of the previous year. The amount under question is Rs. 46.6 thousand, recoveries from government commercial undertakings. We are not told how much of this represents sales of the previous year and there is nothing to believe why this unprofitable sawmill, kept under the system of commercial audit, keeps in arrears such a big sum of money. In the revenue account of 1924-25 Rs. 94,000 and of 1926-27 Rs. 99,354 (at page 124 of Part I) is shown in the administration report as the annual sale of timber through Government agency to the sawmill. The audit reports clearly show that the Government was supplying logs to the mill at a flat rate of 2½ annas and 4 annas when the actual price of rejected logs was ranging between 6 annas to 8 per cubic foot. It is therefore expected that the income under this sub-head from all kinds of logs would at least double itself. The mill has now been closed from 1st July 1928. This reduces the spending capacity of the forest department in the district as also the investment of some like Rs. 25 thousands during the year 1924-25 or a loss of Rs. 97 thousands in 1926-27 on its sawmill. Items like the expenditure on roads, buildings and conservancy exceeding Rs. 10 thousands may not be found necessary, while establishment, travelling allowance and contingencies of officers will have to be reduced. In reply to my interpellation answered on 8th September 1928 Government stated that the pay of all officers, establishment allowances, travelling allowance and contingencies amount to Rs. 1.05 lakhs while the Administration Report for 1926-27 fixed them at Rs. 1,09,473. Like other districts the formation of Forest Panchayats in Ganjam will further reduce this expenditure leaving aside Rs. 50,000 for protection, improvement of forests, conservancy and works which approximates the administration reports, we may safely fix the expenditure under this head at Rs. 1½ lakhs and income at Rs. 2½ lakhs.

**Registration.**—The income is progressive (Rs. 22 thousands in 1927). The registration fee alone is brought to its old level from April 1928. Its average income may therefore be kept at Rs. 60 thousand even the gross by about Rs. 20 and the expenditure at Rs. 60 thousand.

**Excise.**—The income under this head has been correctly stated in the Treasury estimate of 1925-26 and 1926-27 as Rs. 12.10 and Rs. 12.35 lakhs. In reply to my interpellation of 18th February 1926 Government furnished Rs. 12.45, 12.50, 12.55. There was a great fall in the Excise Revenue of the Madras Government in these years and especially in 1921-22 due to non-employment. Since then the revenue under this head shows a steady increase and may be set from this figure—

Amount of	1925-26	Rs. 12.45 lakhs
	1926-27	Rs. 12.50 "
	1927-28	Rs. 12.55 "
Special estimate	1927-28	Rs. 12.55 "
Budget estimate	1927-28	Rs. 12.55 "

## MEMORANDUM BY MR. B. DAS.

[Continued.]

These figures clearly prove that there has been a progressive rise in this revenue. No case is therefore made out why the revenue for 1925-26 should be Rs. 11.01 lakhs. These figures for 1924-25 quoted by Mr. Sen as Rs. 11.52 lakhs do not seem to be accurate as the government's reply to my interpellation quoted above fixes the same at Rs. 11.53 lakhs. I must confess that I could not get the necessary information on this head for want of time. There is nothing in the administration report or in any budget memoranda of any year showing such heavy fall in the excise revenue from Ganjam. While disputing the accuracy of income for 1925-26 I fail to see why Mr. Sen should further reduce this average by Rs. 34 thousands. No reason has been shown why the expenditure should exceed the average of the two years shown in the account. I therefore accept the average of the treasury actuals of Rs. 11.59 lakhs for the time being as correct as also the average expenditure of Rs. 75 thousands.

**Medical.**—The expenditure under this head on the average is 1.01 lakhs, while the suggested standard is Rs. 1.34 lakhs. At page 112 of the Administration Report of the Department for 1926 Government contribution under all heads in the District and the Ganjam Agency amount to Rs. 60.2 thousands. This excludes the pay of the District Medical Officer, his office and establishment as also the contribution for a few rural dispensaries started after the said administration report with an annual contribution of Rs. 500 each. I therefore suggest Rs. 1.10 lakhs as the maximum standard figure for the purpose.

## LAND REVENUE AND GENERAL ADMINISTRATION.

There seems to be a lot of miscalculation under this head. Mr. Sen thus summarises his result (in thousands):—

(a) Collectors and Magistrates in the District, including establishment ...	Rs. 89
(b) Treasury establishment ...	Rs. 30
(c) Sub-Divisional Magistrates, their establishment, allowances and contingencies, etc. ...	Rs. 104
(d) Taluq establishment ...	Rs. 192
(e) Village establishment ...	Rs. 471
(f) Process serving ...	Rs. 9
(g) Works Expenditure ...	Rs. 75
(h) Audit and Travelling Allowance of M. L. Cs. ...	Rs. 11

Rs. 981 a year

A reading of this reveals the fact that (a) and (c) are mere repetitions, since both these include the pay of the four Sub-Divisional Officers drawing Rs. 39 thousands a year. The expenditure under this head does not include the retrenchment of village establishment effected after 1926 and reduction of establishment in the District after the separation of Salt and Income Tax. The sum of Rs. 9.81 lakhs representing all expenditure was not then drawn in the treasury accounts of those years. The reply to my interpellation answered on the 8th Sept., 1928, shows an expenditure of Rs. 1.24 lakhs, while budget estimate for the year 1927-28 under the head amounts to Rs. 9.30 lakhs. Taking the treasury actuals of any of these three years on reply to my interpellation to my budget estimate for 1927-28, we get less than the standard figures suggested only under general administration. In any calculation the expenditure on both these items does not exceed Rs. 9.64 lakhs.

## IRRIGATION.

There are three irrigation systems in the District i.e., the Rushikulya, Nagavali and the Ganjam minor irrigation system, including the rivers of Langulya and Vamsadhara. Besides these there are 2,460 irrigation tanks in charge of revenue and P.W.D. Officers, who also look after buildings and roads in the agency tracts.

Under the 3 heads, i.e., XIII, XIV and XVI Irrigation, he estimates the revenue at Rs. 118 lakhs. The revenue derived from these irrigation works have not therefore been properly noted. In reply to my interpellations on the 13th February, 1926, at page 570 of the Madras Council Proceedings, the Government state that the revenue under Irrigation in Ganjam District amounts to 6.15 and 6.13 lakhs respectively for the years 1921-22 and 1922-23. Table 8-A at 93 and 94 from the Administration Report, Part II, on Irrigation for 1926-27, confirms the above figures.

## VIII-A.

1. Extract from page 93 and 94 of the Administration Report, Part II, Irrigation for 1926-27:—

	Share due to old irrigation.	Total Revenue due to improvement.	Works Expenses direct & indirect.	Old main.
Rushikulya ...	67.0	197.0	123.6	7.6
Nagavali ...	37.4	84.2	27.7	3.9
Ganjam Minor irrigation works	95.0	65.1	56.0	6.4

(N.B.—The figures are in thousands of rupees.)

The gross receipts of these three systems amount to Rs. 5.45 lakhs, which have not been brought to account by Mr. Sen under the head of revenue, as also the income directly due to minor Irrigation for the year Rs. 1.82 lakhs given at 141 and 142 of the Administration Report. The interest on capital outlay of these systems under Devolution Rule 24 is  $3\frac{1}{2}$  per cent. The Ganjam minor irrigation system never brings less than  $5\frac{1}{2}$  per cent. net return, while the Nagavali system  $3\frac{1}{2}$  per cent., and the Rushikulya  $1\frac{1}{2}$  to  $1\frac{3}{4}$  p.c. on the capital outlay. The share due to old irrigation amounts to Rs. 199.4 thousands in these three systems. Under rule 24 of the Devolution Rules interest on all these three systems is to be calculated at  $3\frac{1}{2}$  p.c. If the receipts under old revenue are added, the income always exceeds the expenditure. The gross receipts from all these works therefore amount to a sum of Rs. 7.27 lakhs. Having shown the revenue I proceed to examine figures relating the expenditure. Since irrigation works are controlled and worked by the P.W.D. Officers, discussion of both these items in this place is necessary.

The following are the items of expenditure on irrigation, Civil Works and interest on loans on irrigation works in the district.

1. The pay of the Executive Engineer, 3 Sub-Divisional Officers, their staff, allowances, T.A. and contingencies ...	Rs. 89
2. Grant to local bodies ...	Rs. 191
3. Maintenance of minor irrigation works by Civil and P.W.D. Officers ...	Rs. 75
4. Civil works expenditure ...	Rs. 75
5. Minor irrigation works by P.W.D. Officers ...	Rs. 43
6. Total working expenses of 3 river systems Rs. 2.05 lakhs, deducting Rs. 70 thousands under establishment as the expenditure under direction and execution are already included in No. 1 (vide Administration Reports) ...	Rs. 135
7. Interest on the capital outlay of 3 river systems ...	Rs. 225
	Rs. 833

The figures given in items 1 to 5 are those adopted by Mr. Sen in his Appendix II under the heads of Irrigation and Civil works under grant to local bodies.

MEMORANDUM BY MR. B. DAS.

{Continued.

In item 2 the normal figures amount to Rs. 1.60 lakhs both for trunk roads at the rate of Rs. 700 per miles and Rs. 89 thousands for the 11 class roads and general resources of the District Board. The rest (i.e., 191-160-31) represents the special grants due to cyclone in 1923-24, which ought to have been excluded. Similarly, items 3 and 4 represent the maximum expenditure on these works. Mr. Sen speaks of certain pending schemes. The Bahuda bridge is on the trunk road and has been practically completed. Other schemes involving non-recurring expenditure relate to the development of the Agency. Under the law the development of backward tracts is a charge on the Government of India. Having, however, claimed these backward tracts, receiving our right to claim the expenditure on the tracts from the central revenues, I include a recurring sum of one lakh of rupees a year under this head for the backward tracts of Ganjam and Vizag Districts which are mainly Orissa. Thus the income as per administration report amounts to Rs. 7.27 lakhs, and expenditure Rs. 9.73 lakhs, which in round figures may be taken at Rs. 9.55 lakhs.

#### REMARKS.

The estimation under this head has been highly exaggerated. Instead of commenting on every item I take the various items of expenditure in the Ganjam Dist. (Planets) to disprove Mr. Sen's suggested standard of Rs. 8.66 lakhs. Some new schools have been started since he submitted his report and the figures given below represent the up to date estimate of expenditure nearly corresponding to the treasury accounts of the last year.

Inspection ... ..	56,609
Scholarships ... ..	3,473
Training School ... ..	52,413
Subsidies to all local schools both for boys and girls ... ..	2,29,465
Grant to elementary education council ... ..	1,77,961
Grant to Sec. & Collegiate Education ... ..	1,02,562
Agency Education ... ..	1,34,000
	7,46,583

#### AVERAGE FIGURES FOR THREE YEARS FOR GANJAM DISTRICT.

	Receipts (in lakhs of Rupees).			Expenditure (in lakhs of Rupees).		
	Madras Government figures.	Mr. Sen's Standard figures.	Our Standard figures.	Madras Government figures.	Mr. Sen's Standard figures.	Our Standard figures.
1. Taxes on property ... ..	—	0.09	0.15	—	—	—
2. Land revenue ... ..	23.72	18.32	23.72	1.24	0.34	9.64*
3. Excise ... ..	11.59	11.23	11.59	0.50	0.82	0.75
4. Stamps ... ..	5.56	5.85	5.85	0.12	0.15	0.15
5. Forests ... ..	—	1.78	2.59	—	2.30	1.30
6. Registration ... ..	0.87	0.87	0.80	0.58	0.58	0.60
7. Irrigation (XIII) ... ..	—	0.99	7.27	5.54	8.79	9.50†
8. Irrigation (XIV) ... ..	0.02	0.02	—	—	—	—
9. Interest (XVI) ... ..	0.26	0.26	—	—	—	—
10. Administration of justice ... ..	0.33	0.33	0.33	2.00	2.00	2.00
11. Jails and convict settlement ... ..	0.06	0.06	0.06	0.50	0.50	0.50
12. Police ... ..	0.12	0.14	0.14	6.45	6.95	6.95
13. Education ... ..	0.03	0.01	0.01	7.23	8.66	7.50
14. Medical ... ..	0.05	0.01	0.01	1.01	1.34	1.10
15. Public Health ... ..	0.03	0.01	0.01	0.36	0.42	0.42
16. Agriculture ... ..	0.03	0.01	0.01	0.37	0.37	0.37
17. Industries ... ..	0.07	0.07	0.07	0.06	0.10	0.10
18. Miscellaneous departments ... ..	0.08	0.08	0.08	0.05	0.05	0.05
19. Civil works ... ..	0.13	0.15	0.15	2.75	6.00	(Vide items 7, 8 and 9).
20. Superannuation ... ..	0.08	0.08	0.08	1.33	1.33	1.33
21. Stationery and printing ... ..	0.03	0.03	0.03	0.09	0.40	0.10
22. Miscellaneous ... ..	0.10	0.10	0.10	0.03	0.03	0.03
	<b>Rs.45.84</b>	<b>Rs.38.63</b>	<b>Rs.52.96 lakhs.</b>	<b>Rs.37.81</b>	<b>Rs.45.14</b>	<b>Rs.42.59 lakhs.</b>

#### Summary.

	Receipts.	Expenditure.
Average of three years for 1923-24 to 1925-26 ... ..	Rs. 45.84 lakhs	Rs. 37.81 lakhs
Mr. Sen's suggested Standard ... ..	Rs. 38.63 "	Rs. 45.14 "
Our estimates ... ..	Rs. 52.96 "	Rs. 42.59 "

\* This includes expenditure—22 General Administration.

† This includes expenditure under 41 Civil Works which is item 19 here.



## SCHEME FOR A SEPARATE PROVINCE FOR AMALGAMATED ORISSA.

[Continued.]

is a fact that communal electorates create communal jealousies, it must be the case more so that the scheme for a third ministry will create hostilities between the major and the minor races. We, therefore, reject this scheme as unworkable.

3. Another scheme can be developed with some sort of feasibility from the published demands of some of the minority communities. Under it the Oriyas should be given an adequate number of seats in the Council, necessarily in excess of the proportion to which they would be entitled under the general scheme of representation, and a non-official Oriya should always be nominated as a member of the Government either as a Minister or as an Executive Councillor. With the amalgamation of the Oriya-speaking tracts, the number of seats for united Orissa will be increased under any general scheme. The reservation of some more seats will not really affect the majority community materially; it is likely to give Orissa just a louder voice in the Council. But a little thought will convince any one that this is really a form of the Morley-Minto scheme under which the Councils were enlarged to admit more non-officials and an Indian member was taken into the Executive Council. The Morley-Minto Reforms did not satisfy the aspirations of the Indians. The reservation of excess seats in the legislature and a seat in the executive Government will no more satisfy our aspirations. At all events it will not lead the Oriyas to the avowed goal—the goal of responsible Government.

4. A third scheme is that the affairs of Orissa should be entrusted to a Committee of the Council. Under this scheme a Standing Committee of the Council may be constituted, as there are Standing Committees now, which will examine and report on all matters relating to Orissa. Oriyas will, as at present, be represented in the existing Standing Committees—if these continue after the introduction of the reforms—but there will be a special Committee for Orissa. The Government will nominate their own members and the Council will elect its members mostly Oriyas. All matters affecting Orissa will be examined and reported on by this Committee, its recommendations will ordinarily be accepted by the Council and the Government. It may be given power to initiate schemes and not merely to give its opinion on schemes which the Government may refer to it. Here again the policy of the British Government to give responsible Government to the people will not be fulfilled though it is likely to give the Oriyas some share in shaping the administrative policy of the Government in the Government. This is considered inadequate and will not serve even for immediate temporary satisfaction of the people.

5. So whatever scheme is devised our lot is never likely to improve for so long we remain with another province. Responsible Government will always remain a dream to us, rather the worse will happen. Without being accused of anticipating the extent of the next instalment of the reforms, it may safely be said that the Executive Government and the Legislature will remain antagonistic to each other for some time to come. Our representatives are certain to get bids from both sides for support and afraid of displeasing either they will sell their votes sometimes to the one or to the other or will divide them in shares between both. In plain words that is what will happen and in fact our representatives have so far taken the moderate course of merely attaching themselves to the Government or to the opposition and thus divided they are unable to gain any influence in either camp.

6. It will thus be seen that so long we remain with another province we do not and cannot get any benefit and privileges any larger than the provinces enjoyed under the Morley-Minto reforms. The transfer of control from the Parliament to the local legislature, from the Secretary of State and the Government of India to the Governor and Ministers will virtually mean that we shall be ruled completely by a sister race (whom in our Memorandum we

styled the "intermediary ruling race"). We shall become the more helpless, now that it is widely though erroneously believed that Orissa does not pay its way and the amalgamation of Oriya-speaking tracts is likely to increase the deficit. We need not labour this point in detail.

## CHAPTER II

## SUB-PROVINCE THE LEGITIMATE ASPIRATION OF ORIYAS.

7. The only scheme, therefore, which is satisfactory from the political view-point is the constitution of amalgamated Orissa into a separate province or sub-province, and this alone will satisfy the legitimate aspirations of the people. The objection that a large number of administrative units demand separate Government on mere sentimental grounds of linguistic or historical associations alone does not apply to the case of Orissa. We do not claim a separate province on sentimental grounds alone but we suffer from specific disabilities under the present system for the removal of the which we are unable to explore any other alternative.

8. But what is a sub-province and what will be its administration? This new name was first given currency in the report on the India Constitutional Reforms of 1917 (paragraph 226) and in order to give effect to the promise held out in that report power was taken in section 52A of the Government of India Act that any part of a Governor's Province might be placed under the administrative control of a Deputy Governor. These words "Sub-province" and "Deputy Governor" have unfortunately given rise to various unauthoritative interpretations in certain quarters that a sub-province must mean subordination to a major province and a Deputy Governor must be the subordinate to a Governor or in other words a Deputy Governor will only be an exalted Commissioner of a Division. Such misconception about sub-province has kept the people back from demanding the fulfilment of a hope which was held out by so distinguished persons as the Secretary of State and the Viceroy and to which the British Parliament is, we respectfully submit, committed in a way by including section 52A in the Government of India Act. A closer study of the Montagu-Chelmsford Report and of the Government of India Act, however, gives the real clue to the intentions of the authors of the Indian Constitutional Reforms. Paragraphs 39 to 44 of the Report described the names and status of the administrative units as then existing.

These were:—

- Presidencies—administered by Governors.
- Provinces—administered by Lieutenant-Governors.
- Local administrations of Assam and Central Provinces administered by Chief Commissioners.
- Minor administrations—also administered by Chief Commissioners, such as Coorg, Ajmere—Merwara, etc.

Under the reforms the names "presidencies" and "provinces" were retained, the designation of the administrators of the provinces was changed to "Governors," but the designation "Lieutenant Governor" had also to be retained as the reforms did not originally apply to Burma; the local administrations disappeared but the designations "Chief Commissioner" had to be retained in sections 46, 53 and 58 of the Government of India Act. New names had to be devised to distinguish these from an administrative unit which would be given the benefits of the reforms to a limited extent. The words "sub-province" and "Deputy Governor" came handy for this purpose and they do not in the least imply subordination to another province. They imply, however, subordination to the Government of India probably to



a greater extent than in the cases of Governor's Provinces. He shall be entitled to salutes in his own jurisdiction or outside, as may have been in the practice in the case of the Lieutenant Governors. He will be provided at the expense of the State with such personal staff and other amenities as may be determined by the Government of India with the sanction of the Secretary of State.

9. While on this subject it will be convenient to examine the relations between the Governor General in Council and the Deputy Governor of a Sub-province. The obligation to take the initiative is laid by statute on the Government of India. It is for them to consult the local Government and the local legislature concerned and to obtain His Majesty's sanction. The Governor General in Council will appoint the Deputy Governor and section 52A proceeds "may . . . apply, with such modifications as appear necessary or desirable, all or any of the provisions of this Act relating to Governor's provinces, or provinces under a Lieutenant Governor or Chief Commissioner to any such province or part of a province." It is unprofitable to enter here into a detailed examination of the modification which may be considered desirable or necessary, but the financial relations between the Government of India and the sub-provincial Government have to be gone into in detail owing to the crippled financial condition of the Oriya-speaking tracts.

10. A misconception exists in the minds of many that under the reforms it is not permissible for the Government of India to divert any part of the central revenues towards provincial expenditure. This is true of the Governor's provinces to which specific sources of revenues have been transferred sufficient to carry on the provincial administration efficiently, but it is not true for other parts of British India which are not placed under the administration of Governors. The Government of India do spend their revenues in the minor administrations of the North Western Frontier Provinces, Beluchistan, Delhi, Ajmere, Coorg, etc., and there is nothing in the Government of India Act to prevent them from devoting a part of the Imperial revenue towards expenditure in connection with the administration of subjects entrusted to a Deputy Governor. On the other hand, in providing in section 52A that all or any of the provisions relating to a Governor's province or Lieutenant Governor's province or a Chief Commissioner's administration may be applied to a sub-province, the Parliament must have in mind that the status of the sub-province must be determined by the degree of financial assistance which the Government of India must be called upon to bear.

11. Yet another misconception exists that though the Government of India have to bear the financial burden of provinces like the North Western Frontier Provinces and Baluchistan on account of their strategic importance there is no such administrative or political interest in Orissa as would induce them to shoulder financial responsibility for the sub-province. This class of criticism overlooks that the reforms under which the Imperial finances were separated from provincial finances are experimental, that they can be withdrawn in any province and the old system under which the Central Government of India assumed certain financial responsibility commanding the provincial resources can be reintroduced. Such criticism seems therefore to have no validity. The above explanation seemed to us to be necessary as a sort of introduction to our scheme which we beg to submit in the succeeding paragraphs.

### CHAPTER III.

#### THE SCHEME.

12. The existing Orissa Division together with the outlying Oriya-speaking tracts now under four Governors' provinces of Bengal, Bihar and Orissa, Madras and the Central Provinces should be brought under one administration and constituted into a separate province or sub-province under a Deputy Governor to be appointed by such authority as the Government of India Act may provide. The Deputy Governor will be directly subordinate to the Governor General in Council; the honorific title of a Knight and "His Honour" should be conferred on him as a

13. The government of the Deputy Governor in Council will be known as the Local Government of the Sub-province and the Local Government will correspond direct with the other provincial governments and the Central Government through its Secretaries.

14. The executive Government will consist of the Deputy Governor and his Council. If as in the major provinces all the provincial subjects are transferred to the control of the local legislature, he will be assisted by two Ministers, otherwise by one Minister and one Executive Member will assist him in the administration of transferred and reserved subjects respectively. They will both be Indians. The Minister will be nominated by the Deputy Governor. The members of the Executive Council will be appointed in the same way as in major provinces.

15. We now come to the constitution of the Legislative Council. In the pre-reform days Legislative Councils were created even in the Chief Commissionerships of the Central Provinces and Assam (para. 42 of Montagu-Chelmsford Report). Even now there is a Council in Coorg. There can, therefore, arise no question about the Deputy Governor having such a Council. The strength of the Council must depend on the extent of territory and the general scheme of franchise which will be adopted for India as a whole. We merely suggest that the number of elected non-officials should in no case be less than 30 and that the proportion of non-officials and officials and elected and nominated members should be at least what it will be in the Legislative Council of Bihar and Orissa. We do not go into the general question of electorals and proportion of representation of different communities. These matters may be decided on the principles adopted in the general scheme for India.

16. The members of the Legislative Council will have at least the same power of interrogation, bringing forward motions and private bills as they enjoy in the present Council of Bihar and Orissa. There can be no curtailment of the existing powers to control expenditure by budget motions and through a Public Accounts Committee.

17. It shall lay down the policy in matters of purely provincial interest, but its power to recommend new schemes or policy which involves additional expenditure beyond specified allotments or sources of revenue be restricted except in the case of education, public health and medical.

18. We do not attempt to suggest the scales of staff, which will be necessary for the administrative posts beyond pointing out that as the volume of work will be much less than in a big province the number of Secretaries and Under-Secretaries can be greatly reduced and so also the number of heads of departments by combining several charges under one administrative head. These are matters which the local Government and the Government of India are in a better position to work out. We should further point out that both a Board of Revenue and a Divisional Commissioner, an Inspector General of Police and a Deputy Inspector General, and so on, are not likely to be necessary.

19. We venture here to bring one or two matters of importance. So long as the responsibility of good government of India devolved solely on the Secretary of State and the Government of India it was incumbent on them to keep up the same standard of uniformity in all provinces. Now that the responsibility is being transferred to the people, it should be definitely recognised that the same standard of expenditure cannot be maintained in all provinces in every matter. In subjects which are not an



## SCHEME FOR A SEPARATE PROVINCE FOR AMALGAMATED ORISSA.

[Continued.]

we are willing even to see to the curtailment of expenditure in these respects. The Government of India and the Central Legislature will, for the time being, control expenditure. Again our revenue is sure to expand. The greater part of Orissa is temporarily settled and land revenue increases at regular intervals. The greater part of Ganjam is also temporarily settled where settlements come at quicker intervals. There are also possibilities of growth of revenue in other directions. In any case we can only leave ourselves in the hands of the Government of India in this matter. The control of revenue and expenditure will thus be resumed by the Government of India and the Central Legislature. To preserve the race from utter extinction, we are thus ready to go back upon the reforms and to begin from an earlier period in financial matters. As has been the case in other provinces such as the existing province of Bihar and Orissa and Assam our financial position is sure to undergo a change for the better when we get a separate Government to look solely after our own advancement. We shall not then stand in need of spoon-feeding by the Government of India. But we can show no improvement immediately and it is only for the time being that financial aid is sought from Government of India. Centuries neglect dealt to Orissa, their administrative disadvantages, total absence of any share in the Government of their country, the threatening extinction of an ancient race, all these should outweigh the financial considerations which stand in the way of a united Oriya Province. No attempt till now has been made to improve the finances of the country by improving the economic resources of the people. In the previous paragraph we mentioned how the Oriya people have not been given the chance to develop their industries, ports, communications, etc., which facilitate trade and industry and bring prosperity to a nation. Administrative policy of the old Bengal Government and the present Bihar and Orissa Government, Madras and C.P. Governments has been all along to enrich the capital and to keep the rural area undeveloped. The Oriyas with a great past as an industrious and skilful people with traditional skill in arts and crafts have, by sheer neglect of the successive Governments degenerated to-day to only a race of workers and peasants. An administration

of our own will conserve all resources of the nation and the economic wealth of the people is bound to increase. It would not be too much to expect a helping hand from the Government of India. Even now there exist provinces with a big deficit. Even established Governments and advanced people have had encouragements for further advancement in the shape of annulment of all Provincial contributions. Will it then be too much, on the part of a long neglected race to expect the helping hand of the Government of India for uplifting them?

26. In addition to Mr. Montagu's indictment of Indian administration as being "wooden, iron, antediluvian and inelastic," it is a matter of common criticism that the Indian administration is extremely top-heavy. Multiplication of departments without reference to the actual needs and potentialities for development of the people does not make up for a good Government. With the growth of responsible Government, a paper Government must necessarily yield to an actual Government. The amount of money spent should not be the criterion of efficiency. In any scheme for a new Government the above should not be lost sight of, and the machinery of Government should always be simple, real and economical.

27. A bush or a tree under the shade of a full grown tree scarcely thrives or at least has a stunted or crippled growth. Similar is the fate of a race linked to a more powerful and advanced race. That this very common lesson learnt from nature be not lost on those who have to make or mar, mend or end the destiny, nay the very existence, of an ancient race—with mines of ancient literature still unexplored, with monuments of ancient architecture the type of which is all their own, with an era of their ancient Sovereigns a scion of whom is still living as the Raja of Puri temple current in the almanacs and horoscopes of the country and with a perennial spring of history and tradition that still inspires them—is the sincere desire of the Oriya people.

BRAJASUNDAR DAS.  
NARAYANCHANDRA BIRABAR DHIR NARENDRA.  
GOPALCHANDRA PRAHARAJ.  
BHIKARICHARAN PATNAIK.  
B. N. MISRA.  
BHAGBAT PRASAD SAMANTARAI MAHAPATRA.

## SEPARATE PROVINCE FOR UTKAL.—Being a Scheme presented by the UTKAL ALL PARTIES CONFERENCE COMMITTEE to the ALL-PARTIES NATIONAL CONVENTION at Calcutta, December, 1928.

### SEPARATE PROVINCE FOR ORISSA.

#### CHAPTER I.

#### THE LANGUAGE QUESTION AND THE ORIYA PROBLEM.

Leaders of thought and public opinion in India have been declaring in unmistakable terms that for the healthy growth of India's culture and the contribution it is expected to make to the world's civilisation, the country should be divided for purposes of administration into homogeneous units on the basis of language and race. In a proper arrangement of affairs, the business of Government and education would be conducted through the means of the indigenous languages. A democracy must be well-informed, vigilant and able to take care of its interests. It is clear that the common people cannot take that intelligent interest and be able to shoulder the full responsibilities of a democracy if the administration is run in a language not their own. It is therefore that not only enlightened Indian opinion but those in intimate contact with the actual task of administration have realised the present irrational and artificial division of provincial boundaries. Apart from questions of language and culture, the work

of administration is beset with difficulties by reason of the present irrational distribution. The present territorial units are the results of accident and the circumstances attending annexation by the British. During the few decades, there have been no doubt instances of recognition by the Government in India of the principle of linguistic unity in effecting territorial changes. The enfolding of the Beharis in a separate province from Bengal, the detachment in 1874 of three Telugu speaking taluks of the Central Provinces for union with the Godavari District, the separation of Sambalpur in 1905 from the C. P. changes in the boundaries of the Malayalee-speaking districts are cases in point. But apart from isolated cases such as these, there has been no clear-cut underlying plan kept in view by the executive government of the country.\* In 1903 though the Government did not under-rate popular sentiment in favour of local language, they realised the effect on the actual day-to-day

\* (See letter No. 3678 Calcutta, 3rd December, 1903, of the Government of India to the Governments of Bengal, Madras, and Central Provinces.)



## SCHEME FOR SEPARATE PROVINCE FOR UTKAL.

[Continued.]

## CHAPTER II.

THE SPECIAL NATURE OF THE  
ORIYA PROBLEM*Growth of British Power in Orissa.*

It will have been seen from the foregoing chapter that the problem of the Oriya people is singular in All India in that they have been divided into no less than four provinces and a number of small Feudatory States. This condition of things has been brought about by historical accidents and by the circumstances attending the growth of the British power in Orissa and its outlying tracts. We shall not enter into a detailed history of this territorial vivisection, but it will be enough to mention that different parts of Orissa came into British hands at different times and the ceded tract was united with the province then already annexed for the convenience of administration. Most of the Ganjam District which was known as the Chicacole Sirkar was got from the Nizam by the French in 1753, and in 1759 it was ceded to the British along with the Vizagapatam Agency which contains the large Zamindari of Jeypore. It was not till 44 years later that the Orissa province including 17 Feudatory States or Tributary Mahals was ceded to the British by the Mahrattas and annexed to Bengal. In 1837 the two states of Baud and Athmalik which originally formed part of the South West Frontier Agency with headquarters at Ranchi, were added to the Orissa States. In 1905 two other groups of States were added. These were the five Oriya-speaking States of Patna, Kalahandi, Sonapur, Bamra, and Rairakhol which were transferred from the Central Provinces, and the two states of Gangpur and Bonai which had hitherto been attached to the Chota Nagpur Division. The vicissitudes through which the Sambalpur District has passed make interesting, though painful, reading. It was in 1856 that the Raja of Sambalpur died without a heir. Till 1860, Sambalpur with the attached Tributary States were placed under the Agent of the Governor-General for the South West Frontier when the District was transferred to the Orissa Division in Bengal. But in 1862 it was made over to the newly constituted Central Provinces. In 1905 it was retransferred to the Province of Bengal with the exception of Chandrapur-Padampur, Phuljhar, Malkhorda, etc. On the same occasion the States of Jashpur and Udaipur together with a few other States were transferred to the Central Provinces from Chota Nagpur. Raigarh and Sarangarh were originally presented by the ruler of Sambalpur to chiefs for military services, and Phuljhar and Padampur were under Raigarh. Padampur Zamindari under Raigarh was ceded to the British in 1800. The British caused the Chiefs of Sarangarh and Raigarh to declare their independence from Sambalpur and annexed their territories in 1818. In 1861 their management was transferred to the Superintendent of the Tributary Mohals, Cuttack and in 1862 these territories were transferred along with Sambalpur to the Central Provinces. Dhalbhum in Singbhum came into British hands in 1777 and the territory was permanently settled in 1800. It was transferred in 1833 to Manbhum but in 1848 it was again transferred to Singbhum. The Kolhan tract was annexed in 1836. Four *Ho pirs* or divisions in Mayurbhanj also were during this disturbance added to Singbhum. The estate of Porahat was confiscated in 1858 and in 1892 was included in Singbhum. Midnapur was from ancient times under Orissa. The state of things continued till 1646-1658 when Shah Shujah annexed the Jelesar Sirkar, the Hijili tract of Orissa, to Bengal. When the Mahrattas took possession of the country in 1751, Orissa included the Parganas of Bhograi, Kamarda, Pataspur, and Shahbanda and a part of the present thana of Gopiballabhpur. In 1760 Nawab Mir Kasim Ali ceded to the British among other tracts the whole of the Midnapur District except the Pataspur Pargana which was in possession of the Mahrattas who held

Orissa also. In accordance with a treaty between the Mahrattas and the British, the former ceded the Pataspur Pargana together with the rest of Orissa, and Pataspur thereafter formed part of Midnapur in Bengal. Pargana Bhograi and two other Parganas of Hijili had been added to Balasore before 1886, and in 1870 Jalesar and its neighbourhood were also amalgamated.

*In four Provinces.*

This outline of the sequence in annexation of the Oriya-speaking country has resulted in the present unnatural boundaries. There was no strong government at the seat of the Orissa Kingdom at the time when the British appeared on the scene. And in the anxiety to annex and consolidate the territories which the British obtained into their hands, the notion that the people are a unit with a language, literature, culture and common interests was totally lost sight of except when the difficulties in administration imposed by the variety of languages in Bengal or Madras Provinces called for a change. And such a change even when proposed as it was done at the time of Lord Curzon by the Central Government in 1903 could not overcome opposition of the local administrators arising out of a conservatism and unwillingness natural with those accustomed to think and work along stereotyped lines. It is not surprising that this attitude should fancy that the problem of the Oriyas would be capable of solution by palliatives other than territorial changes which necessarily entail inconvenience or unsettlement. We do not think that there is in India any other people like the Oriyas who suffer as acute a dismemberment. The Telugus or the Tamils are all in the same province and both are numerous enough to effectively influence the policy of the Provincial Government, and this will be more clearly realised when Provincial Autonomy comes to be exercised. The Kanarese are divided into two provinces, and there is the fairly large progressive State of Mysore whose state language is Kanarese, which besides looking after the interests of its own people, serves as a model in several matters to follow, to people in other states and provinces. Malayale are a much smaller community than the Oriyas and number about 7½ millions, but besides inhabiting two districts in a single province, namely, Madras, are found in such large native states as Cochin or Travancore whose state language being Malayalam gives it a distinct status. The Sindhi speaking population are all in the Bombay Province and number a third of the Oriya-speaking people. The Assamese are 17 lakhs strong but have a Governor's Province along with twice their population of Bengali speakers within the territory. The Pasto which has no settled language claims about 15 lakhs of people divided between the N.W. Frontier Province and Baluchistan, each of which is a separate province under a Chief Commissioner, proposed to be raised to the status of a governor's province by the All Parties Conference. We do not make these comparisons in order to belittle the movements in these provinces for a separate territorial recognition, but to show that nowhere has any people been divided into four Provincial Governments and 31 Feudatory States\* the population of each of which ranges between 22 thousands (Pallahara) to 6 lakhs (Mayurbhanj). In no province are the Oriyas again the predominant partners. Even in Bihar and Orissa, the so-called Orissa division contains a population of about 5 millions in a total provincial population of 34 millions. The evil is not mitigated by any of the numerous Feudatory States, being too antediluvian or too small to pursue bold experiments in starting representative institutions or in inaugurating far-reaching schemes of welfare for their

\* 26 of these with an area of 28,648 sq. miles and a population of 3,959,669 persons are known as the Orissa Feudatory States under a Political Agent and Commissioner.

people. As it is, the Feudatory States, almost all of them, are governed by primitive methods, and are least progressive. It is not our present purpose to demonstrate why this is so, or what remedy could be applied; but the situation both in the British tracts and the Feudatory area alike is unrelieved by any arrangement containing within it the assurance of political progress.

*The Oriyas cannot regulate the policy of any Province.*

It is no wonder that far from the Oriyas anywhere being able to regulate the policy of any provincial government, they have struggled as impotent minorities at the tail end of four provinces for preserving their very existence. The children of Orissa are no doubt moved by the struggle for winning the country's freedom, the Government declare that it is their intention that people in India should be trained in responsible self-government, but what prospect is there for Orissa to throw in her full force into this endeavour for constitutional progress if there be no province which they could call their own? As it is, practically all the energies of the community are spent away in profitless agitation for securing the elementary requirements of a civilised life, viz., recognition of Oriya as a court language, provision for teaching Oriya children in their own language, and not in Telugu, Hindi or Bengali, and local endeavours to get Oriya officers appointed who, being conversant with the language and customs of their people, are expected to discharge their task with sympathy and efficiency. It is here also that a grave danger lies. The struggles to secure these minor benefits in provinces which are predominantly non-Oriya give rise to jealousies and fan the flame of provincial rivalry which we readily concede is detrimental to the growth of Indian unity. On the other hand, as years roll on, the struggle becomes keener and in proportion there is the greater risk of opposition to the aspiration of the Oriyas by the predominant peoples in each of the provinces. It is not, of course, possible for such opposition to assume the aspect of an idealistic movement especially if the community concerned is itself agitating for a separate province of its own, but nevertheless any proposal for Oriya territorial unity will be discounted both in non-official circles and through the spokesmen of the provincial Governments on very plausible grounds. It will be urged that linguistic provinces will foster parochialism cutting at the root of national solidarity, that they will increase the overhead charges leaving insufficient funds for the development of provincial institutions, that recent history and commercial and political conditions are more important than mere sentimental considerations of language and race and that palliatives can be found to mitigate administrative difficulties. Our fears as to the future are grounded on the experience of the last half a century.

Without going into the details, we shall show that the interests of the Oriyas have been criminally neglected during a century and quarter of British rule, and certain grave injustices have been perpetrated which no government mindful of the welfare of the people committed to its charge could have looked on with equanimity, much less directly or indirectly participated in such acts.

fruitless of late years, unless besides the legal, authorised overwhelming expense of stamp paper, fees, etc., they could further produce a considerable sum to purchase the favour or at least the forbearance of the *sudder amil*. Translations of the regulations exist only in the Persian and the Bengali languages. Not a single regulation has ever been translated into the great vernacular language of the Province. After a whole race having been thus long proscribed and thrown into the background. In the second and third years after the extension of the Bengal Regulations to Cuttack, estates paying a *jumma* of 4½ lakhs of rupees out of a *jumma* of Rs. 12,00,000 were sold at public auction for arrears of revenue. Surely any temporary sacrifice of revenue would have been a less evil than rigorous enforcement of the rules of a new code. The inadequate value at which these lands were sold also immensely aggravated the hardship of the measure, and has justly been termed by the Collector (in his report) *little better than downright robbery*. To omit all mention of other cases, Moonshee Nussur Moodeen alone, the dewan of the gentleman then holding the situation of Collector, purchased in one year at the public auction sales estates paying a *jumma* of Rs. 53,000 for a sum of Rs. 23,000. And the writer adds in a marginal note, "the purchases were made of course, *benam*,..... The estates in question have, I understand, long since been disposed of to other speculators."

*The Great Orissa Famine of 1865-7.*

A second flagrant case of misgovernment or criminal neglect was in connection with the great Orissa Famine of 1865-7. *The Imperial Gazetteer of India*, Vol. III, records:—"Distress was greatest in Orissa, which was at that time practically isolated from the rest of India, but the gravity of the situation was not realised, the Bengal Board of Revenue being misled by defective estimates of the population requiring food and by fictitious price lists. The position was not grasped till the end of May, and then the monsoon had set in. Carriage by sea was extremely difficult, and even when grain reached the coast it could not be conveyed inland. Meanwhile the mortality had been very great. It was estimated that at least a million people, or one-third of the population, died in Orissa alone. Adding the loss of revenue in all departments, the famine in Orissa is said to have cost the state about 1½ crores." *The Cuttack District Gazetteer* says:—"It (the famine) had to be dealt with by a body of officials necessarily ignorant of the signs of its approach, unprepared to accept it, and inexperienced in the administration of relief measures. When the harvest failed, the gravity of the occasion was not perceived, and no special enquiries were instituted." This phenomenon of officials ignorant of the signs of the approaching famine and unprepared to accept it obviously existed on this day. We do not consider that even a responsible government with its capital in Orissa could have been so oblivious of the elementary requirements of the people.

## SCHEME FOR SEPARATE PROVINCE FOR UTKAL.

[Continued.]

of the Calcutta University Oriya was permitted to be used as a language. And even this was effected through the intervention of the Lieutenant-Governor of Bengal, while the Syndicate of the University at first refused permission for such recognition. Surely, the Oriyas could have been spared many such efforts to prove what was already proven, if their energies had been harnessed to the practical work of administration.

*Decrease in Numbers.*

A further point we wish to make is the decrease of the Oriya-speaking population in successive Census enumerations. Since the great famine of 1865-7 which cost British Orissa, according to official estimates, a third of its inhabitants, the population continued to increase until 1911 but at a steadily diminishing rate. Oriya speakers decreased during the last two Census enumerations, thus:—

*Oriya speakers in Orissa Division.*

1911	...	...	4,771,984
1921	...	...	4,657,947

While the birth rate continued at about 43 per thousand, the death rate at certain periods rose to 53 per thousand in the Cuttack District and as high as 70 per thousand in the Puri District.

In the Ganjam District, however, the total population has increased, but there has been a continual reduction in Oriya speakers:—

*Oriya speakers in Ganjam District.*

1901	...	...	1,274,975
1911	...	...	958,661
1921	...	...	931,790

In the Midnapur District in Bengal, the change is very marked:—

*Oriya speakers in Midnapur District.*

1891	...	...	572,798
1901	...	...	270,495
1911	...	...	181,801
1921	...	...	142,107

The Census Report, India, says on the decline in Oriya speakers thus:—"The number of Oriya speakers in Bihar and Orissa declined from 7,820,000 to 7,751,000, a loss which is more than accounted for by the actual loss of population in the purely Oriya speaking districts of Orissa. On the other hand politics seem to have affected the Return in part of the Midnapur District. The number of Oriya speakers in the Ramnagar Police Station has declined from over 50,000 in 1911 to about 170 in 1921. The explanation is interesting. The people were aware of the Oriya national movement and their leaders guessed that in deciding the matter the Government of India would give weight to the language figures of the Census. As they did not want their tract to be transferred to the neighbouring district of Balasore in Orissa they took care to return Bengali as their language." The Census report for 1911 of Madras commenting on the anomaly in the decrease in Oriya speakers of the Ganjam District points out that while the total population of the district had increased during the previous decade, Oriya speakers had considerably declined. The report suggests "a possibility of deliberate misrepresentation by Telugu or Oriya enumerators not uninfluenced by the contentions which prevailed some five or six years back between Telugus and Oriyas of the District."

It is needless to state that such manipulations would have been unnecessary under a normal condition if the Oriyas had been enfolded in a province of their own. And as regards actual fall in the population by a higher death rate due to diseases, an Orissa Government would have paid greater attention to the matter than one to which the Oriyas have been tacked on to serve temporary political exigencies.

*The Standing Menace of Floods in Orissa.*

Dr. Hunter in his "Orissa," written about 50 years ago, says that the history of Orissa is the narrative of a province at the mercy of a great river." But the history referred to is the history of the province during British occupation. Captain J. C. Harris of the Royal Engineers wrote in 1858: "How great have been the vicissitudes to which the province of Orissa has been subjected; how vast the amount of suffering and how loud the lamentations of its inhabitants; how widely proclaimed, and deeply recognised, are the necessities of the district; how much might have been done towards the relief thereof will appear in the sequel; but I would ask, why are these things so in A.D. 1858?" No, it was not in A.D. 1858 that the situation had remained unsolved. It continues to the present day with an added intensity because there has been no plan or system to tackle the question all these years while new mistakes have continually been made. A recent Committee of engineers, including a representative of the Government of India, explored the entire question. They are of opinion that the embankment system or want of system is at the root of the troubles. Their own words are a sufficient condemnation of the want of plan or policy underlying the attitude of the Government. They say: "The whole system of embankments seems to have grown up without any reasoned plan underlying it. Some of the embankments have been constructed and are maintained by Government, some by the Zamindars. There are marginal embankments, running along the banks of rivers, and ring *bandhas*, completely enclosing villages and estates. They have come into being solely in the interests of the particular area to be protected, and with complete disregard of their effects upon other areas. The river shackled in one direction bursts its bounds elsewhere; fresh shackles are applied at the new danger point which necessitate the strengthening of the original defences and the institution of new ones which would otherwise not have been required. The whole arrangement can only be described as chaotic." Many of these embankments run at right angles to the big rivers, and the railway line which also cuts the rivers right across their course being insufficiently provided with culverts and bridges to drain off the water in flood time, has multiplied the difficulties. Nay more, the solicitude of the Government has created fresh embankments to protect the railway line which has been insufficiently provided with bridges and let-outs.

The situation created by the floods is becoming increasingly menacing, and large areas are verging on depopulation, some of the inhabitants, migrating in thousands to the Jute mills at Calcutta or to engage themselves in the city as domestic servants, some others going to the tea gardens of Assam as labourers, and others still to the rice fields in Burma. A Professor of Economics\* who served in Orissa commenting on this emigration writes:—"The Oriya emigrant is in any case lost to his native land and is soon absorbed in the population amidst which he works. Again, though he manages to keep himself above want, his lot is not exactly happy. Having left Orissa under stress and with a defective equipment, he is only offered the lowest and most degrading jobs. He becomes a mere cog in the industrial machine of Calcutta. He rarely rises to a position of trust and responsibility, but is merely an instrument of exploitation for the capitalists who swell their incomes by cheap and docile labour. His loss is nevertheless serious for Orissa as, by the emigration of the most steady and adventurous elements, Orissa loses the best of its population and comes to be the land of the old and the infirm living on the bounty of the young men abroad. The greatest harm, however, consists in the disintegration of family life. Very few Oriya emigrants are in a position to take their families with themselves.

\* Prof. H. R. Batheza, M.A., I.E.S.

I need not describe the moral and social consequences of young men living abroad and young women and children left behind."

As regards the problem of flood, it may be that large sacrifices have to be made, enormous outlay in capital necessitating the co-operation of many parties will be found essential, that any expenditure from sources like the Famine Insurance Fund on schemes proposed by the Adams-William Committee will be found inadequate and that therefore for a permanent solution the people of Orissa should feel that it is ultimately they who have to shape their future.

In conclusion, we wish to point out that the movement for linguistic provinces in the country is a legitimate aspiration of the people. The Andhra Movement dates from 1912 after the formation of the Bihar and Orissa Province. The agitation for a Kannada Province commences from 1921 when the Congress ordered its own constitution on a linguistic basis. Such movements are bound to arise as the struggle for freedom increases, and the responsibilities consequent on self-government are envisaged. But the history of the Oriya people under the British is the story of a long-drawn agony. We have mentioned in the foregoing paragraphs some of the main problems which have either directly arisen from the present state of dismemberment or are of such magnitude that only a government completely responsive to its requirements can tackle them in an adequate measure. We have omitted to mention the infinite disabilities to which the Oriyas have been subjected, the slow process of denationalisation that is going on in the outlying tracts, the dull apathy and indifference to human suffering betrayed by the lower classes, and the quiet but pathetic self-complacency with which people have come to depend on government for small mercies. This is the surest way of undermining that capacity for initiative and the willingness to undertake risks and shoulder responsibilities which is the essence of self-determination. We consider too that hemmed in amidst such difficulties, it is not surprising that the Oriya people were agitating for minor benefits at the risk of being parochial and have become conscious that unless they achieve a status of their own in the future polity of India, their interests will not be looked after by any community with whom they may be yoked into a province.

### CHAPTER III.

#### EFFORTS AT UNION.

##### *Stress on Language in Earlier Stages.*

The scheme which it is our purpose to present will be incomplete without a brief sketch of the efforts made from time to time by the Oriya people to get united and to obtain a separate status. Due to late annexation of the Oriya-speaking country, the importation as members to subordinate civil services of persons belonging to neighbouring races and the comparative desuetude into which the Oriya language fell for a long time as a medium of instruction in schools or as a court language, was the occasion for repeated complaints on this score by the Oriyas. Coupled with the demand for recognition of the language, there was the claim for preserving the particular system of culture which corresponded with Oriya. While administrative union was envisaged as the proper remedy for putting an end to an anomalous position relegating the indigenous language to the background and as a means of fostering the local literature and culture, the revision of provincial boundaries was not in the earlier stages conceived to be part of a constitutional experiment or a stage in the evolution of a full responsible government. All the idealism and power of sentiment was, however, concentrated on the anxiety to save the Oriya language from this unnatural onslaught by the predominant peoples in each of the provinces.

##### *History till 1912.*

We have described on a previous page the terrible neglect of the Government when faced with the appalling exigencies of the great Orissa Famine. In the seventies of the last century, a memorial was sent by the people to unite all the Oriya-speaking tracts under a single administration. Sir Stafford Northcote, then Secretary of State for India in 1868, referred to the famine as "furnishing evidence of the defects of the existing system of Government when exposed to the ordeal of a serious emergency" and suggested that Orissa might be separated from Bengal. In 1895 Mr. Cooke, Commissioner of Orissa, proposed to extend the boundaries of the Orissa Division by the addition of Sambalpur and Ganjam. In 1902 the Oriyas of Ganjam submitted a monster memorial to Lord Curzon who was the Viceroy praying that the Oriya-speaking tracts might be united "under the Government of Bengal or under any one government and one University." The people of Sambalpur waited in deputation on the Chief Commissioner of the Central Provinces in 1901 to pray for union with Orissa. The Central Government, however, on the representation of the Central Provinces only restored Oriya as the court language of the District. In April, 1903, the citizens of Cuttack demanded of the Government of India that all the outlying Oriya-speaking tracts be amalgamated with the Orissa Division in Bengal or that Orissa be raised to a Chief Commissionership like that of Assam retaining the connections of the Calcutta High Court and University, "whichever of these two measures is, in the opinion of the Government, better calculated to secure the advancement of the race." The Oriyas were now forming the Utkal Union Conference which had been all along their premier national institution. The Conference was due to meet on the 30th and 31st December, 1903. On the 3rd December the famous proposals of Lord Curzon were published. It was proposed to unite the whole of the Oriya-speaking people, both hill and plain, under the Bengal administration. They said:—"Such a scheme would solve the question of language once and for all. This change would relieve both the Central Provinces and Madras of a troublesome excrescence upon their administrative system; and it would result in handing over the Oriya problem to one government alone, on a scale and with a unity that would admit of its being treated with consistency and efficiency." The proposal was supported by the Governments of Bengal and Central Provinces, but was opposed by Madras who, among other considerations, said that "it was useless to strive after an administration based on linguistic uniformity." The upshot was that Sambalpur became amalgamated while Ganjam and Jeypore were left out. In 1907 representations were made to the Royal Commission on Decentralisation asking for a Chief Commissionership for united Orissa. While the movement was thus in progress, and the Utkal Union Conference was reiterating its demands, and deputations on governors and viceroys were being organised, the unexpected announcement of the formation of a new province of Bihar and Orissa greeted the attention of the public in 1911. The despatch was hatched in secrecy and in uniting Orissa with the new Province made the ostentatious claim that the arrangement would well accord with popular sentiment in Orissa and added that it "will be welcome to Bihar as presenting a sea-board to the Province." The illusions of certain Assembly representatives that this last proposal meant that major ports would be opened in Orissa was shattered by the Government of India. Apparently a sea-board was to provide sea baths!

##### *Before Mr. Montagu.*

After the announcement to form the new Province was made the Government of India was approached, but they declared that the amalgamation was neither necessary nor desirable. From now Orissa's name



became tackled to that of Bihar, and a Lieutenant-Governor, Sir Charles Bayley declared that Orissa would obtain a half of the Government's attention, a promise which was never fulfilled. When Mr. Montagu came to India in 1917, the Utkal Union Committee waited on him and pressed for a united Orissa with "an administration of the type which Bihar and Orissa now has," or if that be not feasible, to yoke united Orissa with Bihar with a view to develop it as a separate province. In the latter case the Committee asked for a wider representation to bring Orissa on a level with Bihar. They also urged that amalgamation should precede Reforms.

#### Sub-Provinces.

The Montagu-Chemsford Report of 1918 wanted to work out a plan whereby Responsible Government would devolve in instalments, and instituted the novel plan of "dyarchy." Now, dyarchy is a vertical division of the Governmental machinery. There was also before them the plan of a horizontal division, viz., to divide the country into small and homogeneous units based on language and race and hand over to these units, called sub-provinces or provincial states, the task of administering the "transferred" subjects pertaining to the area. There would be sub-provincial councils, ministers responsible thereto, and independent powers of taxation. "As the State councils developed, more and more functions would be made over to them . . . until finally the provincial governments disappeared, and the future polity of British India was represented by a series of States enjoying responsible government." This plan the authors rejected generally because they did not want to "unite the sufficiently difficult task of revising the constitution of India with the highly controversial labour of simultaneously revising the political geography of the entire country." In the case of Orissa as also Berar the authors recommended an exception to be made and proposed that the reformed provincial governments should test popular opinion about such schemes when forthcoming. They laid it down that such changes in redistribution of provincial areas should be effected through a "process of consent." The present Section 52 (a) of the Government of India Act which embodies this recommendation reads:—

"The Governor-General in Council may, after obtaining an expression of opinion from the local government and the local legislature affected, by notification, with the sanction of His Majesty previously signified by the Secretary of State in Council, constitute a new governor's province, or place part of a governor's province under the administration of a deputy-governor to be appointed by the Governor-General, and may in any such case apply, with such modifications as appear necessary or desirable, all or any of the provisions of this Act relating to Governor's provinces, or provinces under a lieutenant-governor or a chief commissioner, to any such new province or part of a province."

The Joint Select Committee which reported to Parliament defines in regard to the "process of consent" mentioned in the Report:—

"The Committee have two observations to make on the working of this clause. On the one hand, they do not think that any change in the boundaries of a province should be made without due consideration of the views of the legislative Council of the province. On the other hand, they are of opinion that any clear request made by a majority of the members of a Legislature Council representing a racial or linguistic territorial unit for its constitution under this clause as a sub-province or a separate province should be taken as a *prima facie* case on the strength of which a commission of enquiry might be appointed by the Secretary of State, and that it should not be a bar to the appointment of such a Commission of inquiry that the majority of the Legislative Council of the province in question is

opposed to the request of the minority representing such a distinctive territorial unit."

A safeguard for the minorities in the provincial Legislative Councils who intend to move in the matter has been here provided. But what about minorities like the Oriyas in four provinces? In none of the outlying provinces except Madras are the Oriyas strong enough numerically to return even a single member to the Provincial Legislature. In the next chapter we shall discuss that this provision has been of no avail even in Madras, where a resolution by an Oriya member was not admitted for discussion.

#### Mr. Sinha's Resolution.

The Government Act was passed in 1919, and before the formation of the new councils under the Act, Mr. Sachidananda Sinha of Bihar moved in the old Imperial Legislative Council in February, 1920, for a mixed committee of officials and non-officials to formulate a scheme for amalgamation of the Oriya-speaking tracts with the present Orissa of the province of Bihar and Orissa. Mr. Sinha explained that the people of Bihar did not object to a separate province for the Oriyas, but that he thought the simpler scheme of amalgamation was more likely to be accepted by the Government. This motion received a great deal of support, and among those who favoured amalgamation being the late Sir Surendaranath Bannerji, Sir Dinshaw Wacha and Mr. Kamini Kumar Chanda. Mr. B. N. Sarma supported the principle of linguistic union but advocated a separate province for the Oriyas. All the speakers were for a separate province ultimately. Mr. Bannerji declared what was too true that representatives of the Oriya-speaking population had no determining voice in matters concerning their welfare, "and the evil is likely to be aggravated when the Reform Act comes into operation." Sir William Vincent speaking on behalf of the Government stated that he believed that there was a very great feeling among Oriyas for amalgamation, that the Government was in no sense opposed to an examination of the question, but that they were precluded from appointing the Committee because it was for the reformed Councils to express their opinion about the matter. He added: "I am quite prepared, however, if I can secure the sanction of his Excellency in Council to this course, to have a full investigation of the facts, to ascertain the views of the local governments and prepare such materials for the new Governments as may assist them in arriving at a just decision in this matter." On this assurance the mover withdrew his resolution.

#### Views of Provincial Governments.

The result of this debate and the assurance of the Government gave a different turn to the Oriya movement. In Madras, an Oriya member wanted to move the subject in the new Council in 1921 but it was not admitted for discussion. A subsequent motion was withdrawn on the Government agreeing to publish materials in their possession. In 1922, the same Government is known to have definitely opposed amalgamation and even the idea of an enquiry in terms of the new Act. They also did not consider that it would be to the advantage of the country as a whole to create a united Orissa Province, sub-province or even amalgamate the Oriya tracts with the Orissa Division in Bihar. In 1921 a resolution by an Oriya member recommending the administrative union of all the Oriya-speaking tracts under one Government was passed in the Bihar and Orissa Legislative Council. And the Government of Bihar did not disfavour amalgamation in 1922, while it fully recognised the deep sentiment of the Oriyas of Orissa in the matter. In the same year the Government of the Central Provinces admitted that in Khariar and Phuljhar the Oriyas wanted amalgamation, and that there was a *prima facie* case in its favour. The Bengal Government found that the Census figures were manipulated in Midnapur.

## SCHEME FOR SEPARATE PROVINCE FOR UTKAL.

[Continued.]

*Philip-Duff Enquiry.*

The Government of India in 1924 appointed a Committee consisting of two officers, Messrs. C. L. Philip and A. C. Duff, to ascertain the desire of Madras Oriyas in respect of amalgamation, who reported both as regards Jeypore and Ganjam as follows:—"Our enquiry has shown that there is a genuine, long-standing, and deep-seated desire on the part of the educated Oriya classes of the Oriya-speaking tracts of Madras for amalgamation of these tracts with Orissa under one administration . . . It is unquestionable that wherever the Oriya raiyats have learned something of the matter, they are entirely in favour of amalgamation."

*In the Assembly.*

At this stage there seems to have been a further reference made to the provinces. In February, 1927, Pandit Neelakantha Das moved in the Legislative Assembly for putting all the Oriya-speaking tracts under one local administration. The Home Member revealed during the debate that both the Central Provinces and Madras Governments opposed amalgamation, and the Bihar and Orissa Government wanted to make sure that the additions to its territory should be financially solvent. He expressed his sympathy with the aspirations of the Oriyas, and stated that the position was not quite satisfactory and that the tracts would be transferred if financial considerations made it possible to take such a step. The resolution was then withdrawn.

*Mr. U. M. Sen.*

The Government of Bihar and Orissa in 1927 deputed one of its officers to investigate into the finances of Ganjam, and that gentleman reported that there would be an annual deficit of 11½ lakhs because of Ganjam. We shall discuss the financial aspect of the matter in a subsequent chapter, and therein will be shown how the standards adopted by this officer are incorrect.

The Utkal All-Parties Conference held on the 7th December, 1928, attended by representatives of all schools of opinion has definitely demanded a separate province, and also asserted that the finances of the united Orissa Province would suffice her needs. The resolutions passed by the Conference are given as an appendix to this Scheme. The administrative aspect of the problem and matters arising therefrom will be discussed in the next two chapters.

## CHAPTER IV.

## THE DEMAND FOR A SEPARATE PROVINCE.

*Demands from Time to Time.*

We have seen in the previous chapter that while the demand for amalgamation of the Oriya-speaking tracts received a uniform and insistent emphasis from the outset, claims for the creation of a separate province have been made since 1903. That year the citizens of Cuttack wanted a "Chief Commissionership like that of Assam" but advanced it as an alternative proposal. In 1907, before the Decentralisation Commission, a demand for a Chief Commissionership was made. Before Mr. Montagu in 1917 the Committee of the Utkal Union Conference put forward the demand for a united Orissa and for "an administration of the type which Bihar and Orissa now has." The Conference sitting after the M. C. Report was published, declared in 1918 that "unless a separate province under a Governor-in-Council and a legislative assembly with an elected non-official majority be given to the united Oriya-speaking tracts, the proper solution of the question cannot be fulfilled." It is obvious that till the questions of responsible government and provincial autonomy were definitely in view main stress was laid on the union of the Oriya-speaking tracts, but the claims to a separate province were mentioned unerringly at the same time.

*Separate Province as Amalgamation.*

As late as February, 1927, Pandit Nilkantha Das asked in the Assembly for amalgamation, but pointed out that nothing less than a separate province would satisfy the Oriyas. The Government then stated that this question of a separate Province needed further enquiry being obviously a more serious matter than amalgamation. We concede that it is so, but the Oriyas never made a secret of what they wanted. Amalgamation was sometimes advanced by politicians only as either a necessary first step or with a view to obtain ready acceptance because it was a simpler proposition. But if the Oriya movement should be brought into line with the Swaraj Constitution, it should be unmistakably pointed out that we want a separate province to shape our own future and to shoulder our own burdens which recent history has pointed out were capable of being borne by no others. A point has sometimes been made that the politicians of Orissa are not united as to what they want, whether, it should be amalgamation or a separate Province. We consider this entirely beside the issue as there has never been want of unanimity as to how Orissa should be governed under a liberal constitution. The Conference of the All Parties in Utkal which appointed the signatories to the present scheme has after deliberate consideration ruled out the question of merely stopping at amalgamation. We do not see why the Oriyas should perpetually be yoked with a predominant and overwhelming partner in a province. It is in no spirit of antipathy to particular provinces that we make this claim: we feel that it is time that our right to self-determination be definitely asserted and recognised and that the risks and responsibilities as much as the glories incident to the creation of a separate status be fully taken over by this ancient people. The Oriyas in the present Orissa Division are only a seventh numerically in the province of Bihar and Orissa, and the position will hardly be altered by adding to the province a population as strong as that of the Orissa Division in point of numbers. Already the financial argument has been advanced that neither the Orissa Division nor the Ganjam District pay their way. The implication undoubtedly is that the extreme solicitude alone of the present Bihar and Madras Governments had been responsible for the well-being of the Oriyas and that otherwise their resources cannot suffice their needs. Without anticipating the arguments to be adduced in a succeeding chapter, we must say that nothing is bound to perpetuate the inferiority of the people concerned than this assertion. A Government is not entitled to advance this argument after a century and a quarter of its rule, singularly marked by neglect. If it had been mindful of the best interests of the people, Orissa would not have been faced by serious problems like floods, her appalling poverty, lack of facilities for education, general or specialised, an increasing death rate, depopulation of certain areas, emigration in thousands of its youthful sections, with all the consequences moral and material. A few minor adjustments or palliatives made to satisfy local agitation will but postpone the day of a final solution. The best of us are not quite free from that morass of pessimism which is so detrimental to corporate effort or new enterprise. The unrelieved lot of a public worker in Orissa is very often to engage himself in the solution of her poverty and to relieve the effect of her floods. But even the best non-official efforts consummate a small solution only. A quiet self-complacency has come over the educated Oriya, and the masses of the population are betraying a dull apathy to suffering, not to speak of co-operative effort. The process has got to be arrested, and the present arrangement is least calculated to advance the position. Delay at best only postpones the evil, while it very often gives rise to new complications requiring new effort to tackle them. The situation needs a comprehensive understanding of the problem, a proper programme, and the application of extra-

## SCHEME FOR SEPARATE PROVINCE FOR UTKAL.

[Continued.]

ordinary remedies. We do not think that judging from past history, the present provincial governments can develop anything better than caution and tinkering with small details. Even if there is a change by broad basing the government on a democratic franchise without the needed territorial distribution, it will not be possible to work, actuated with that dominant feeling of Orissa's interests, which is now urgently called for, all the more insistently because of past neglect. Yoked with overwhelming numbers of sister nationalities the problem of Oriya progress assumes in all the four provinces the unwholesome aspect of seeking the remedy to minor grievances, if not of an attempt to gain fishes and loaves of office, which is very demoralising.

*The Question of a Sub-Province Examined.*

We do not think either that our problem is capable of satisfactory solution if what is known as a sub-province be instituted. We have already indicated what in broad outline this proposal meant to the authors of the Indian Constitutional Reforms. The essence of the plan of sub-provinces is dyarchy with a horizontal division of functions along territorial line added to the present anomalous and difficult system. Even official opinion does not declare that dyarchy has been successful these eight years while most of those who had worked the transferred departments under the system have condemned it. And this, quite apart from the stigma to the nation attached in "training" in, and in the offering of successive stages of, responsible government. In consonance with advanced political opinion, we are for provincial autonomy, consistent with the presence of a strong Central Government. Dyarchy is consistent with Provincial Autonomy, and a Sub-Province can exist only if there is dyarchy. We wish this simple truth could have been realised in certain quarters. If a Sub-Province be formed, we anticipate that subjects like Public Works, Education, Local Self-Government, Agriculture, would be transferred in the first instance for administration by the Sub-Provincial Government with the aid of a Sub-Provincial Legislature. We are already familiar with the practical effect of a so-called joint purse on the progressive transferred departments in the provinces. In fact the division of heads of revenue between the Central and Provincial governments, the juxtaposition in which excise was placed with a subject like education, and the all-India agitation for prohibition which affected excise revenues of the provinces at the commencement of the Reformed constitution, all these factors taken cumulatively have adversely affected the chances of dyarchy. The proposal of a sub-province does in no way improve the position. Thirdly, an arrangement where not only the Central Government but also the Provincial government will be an additional controlling authority over the actions of the Sub-Province is least to be desired. And then, the creation of a Sub-Province within a province presumed the formation of other Sub-Provinces therein. Let us take the illustration of Behar and Orissa. Let us suppose the outlying Oriya tracts are added to Orissa, and Orissa is then constituted a Sub-Province. Should not Behar be made a Sub-Province? But Behar has never wanted to be a Sub-Province. Our point is that if only one section like Orissa in Behar and Orissa be made a Sub-Province, the Provincial Council at the top, whatever ingenious arrangement be proposed, will acquire control of some sort over the affairs of the Sub-Province, which, it is obvious, no advocate of the system desires. There would be in the Sub-Province three sets of officers, two of which are not under the control of the Sub-Province. Even if an elaborate system be adopted for allocating funds or dividing heads of revenue between a Province and Sub-Province, for co-ordination and control of functions, and for collection of taxes, with all the complications that the administrative aspect involves, we are confronted with the outstanding status of

inferiority of such a Sub-Province. Nor would the situation be improved by the presence of a handful of Orissa representatives in the Provincial Council. Occasions of conflict on the score of finance between the Provincial Council and the Sub-Province will multiply and the conflicts this time will assume a racial character, leading not to the consummation of that Indian unity which we all seek in the sphere of a democratic government but to a very different position. In fact, a Sub-Province, if it is not to furnish scope for mischief, will remain a dignified edition of an organ of local self-government like a District Board. We are aware that the failure of the Government to pursue the suggestion of the authors of the M. C. Report to create a Sub-Province at an early date after the Councils of 1921 were formed, was only in keeping with their policy of indifference towards the interests of the Oriyas and was not the result of anxiety as to the success of this new experiment. The protracted correspondence which they carried on during these nine years since Mr. Sinha's motion in the old Imperial Legislative Council betrayed the truth of this remark. Each Provincial Government seemed to vie with the other as to how little it should give. The Madras Government shut its eyes to the repeated representations which they received year after year from Madras Oriyas, propounded theories as to the language of Madras Oriyas being different from that of the Oriyas of Orissa, and went to the length of asking to be reimbursed for the cost of buildings which they had created in Ganjam. The Government of the Central Provinces during these years has made a somersault in going back upon their own recommendations. But this by the way.

*Proposal for a Separate Minister.*

A fourth proposal, of a novel character, remains to be mentioned. The proposal is of Mr. Madhusudan Das, C.I.E., once Minister of the Bihar and Orissa Government. Instead of a Sub-Province, he wanted an Oriya Minister in charge of the transferred departments pertaining to Orissa. Apart from the novelty of the plan, the assumption that all the subjects could be administered by a single Minister goes against the proposal. The administration would practically be in the hands of a number of secretaries not responsible to any legislature, and even the minister is not mentioned as being responsible to the members from Orissa in the Council. But if the latter is provided in the constitution, a further anomaly will be created. While the Orissa minister may not enjoy the confidence of the Orissa members, he may win other votes in the council, so that practically he will be at the mercy of votes of persons belonging to places with whose transferred subjects the minister has nothing to do. On the other hand, so far as the Orissa portion is concerned, a bureaucracy worse than what the existing machinery provided would be brought into being. We see no reason why this anomalous state of affairs should be brought into existence in the attempt to safeguard Orissa's interests. We cannot think that this would conduce to democracy and believe this is worse than the solution offered by a Sub-Province.

We clearly see the need of forming a separate Province. The fact that there are provinces in India with long experience of government should not render it necessary that we should begin our career with an "instalment" or "a stage" of responsibility, nor is there any reason to think that our progress, instead of being based on the lessons furnished by the experience of other provinces, should be extended over as many years as it has taken them to arrive at the present stage of development. We have indicated that mere amalgamation will only put off the solution of the outstanding question which the sons and daughters of Orissa alone are competent or bound to achieve. Makeshifts like the creation of a sub-province will multiply constitutional difficulties without effectively or at all solving

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[Continued.]

vital matters affecting the people. Orissa's long history when she was an independent kingdom with military and maritime activity, her surpluses which enabled the famous temples to be built, and her zeal in literary and religious movements, all demand that she should be a distinct entity in the future polity of India. Without being such a unit, it is impossible for Orissa to unfold her life and culture.

## CHAPTER V.

## SCHEME OF AMALGAMATION.

The actual constitution of the future province of Orissa resolves itself into two parts, firstly the amalgamation of the Oriya-speaking country lying in Bihar and Orissa, Madras, Central Provinces, and Bengal, and secondly creation of a separate provincial unit. In a previous chapter we have indicated the additional difficulties arising out of the Oriyas being scattered in four provinces. A commission has therefore to go into the question of the delimitation of the boundaries.

*Union of Areas.*

The scheme of areas and population which have to be united is given below. This was adopted eleven years ago by the Utkal Union Conference. Some modifications may undoubtedly be necessary, and we neither have the material nor the time to deal with the question as to which taluka or which zamindari should be added or left out. These are bound to be controversial matters and should be settled by an Expert Committee who should give full consideration to all aspects.

*Underlying Principles.*

The general principles which should underlie such delimitation in our opinion are as follows. Full consideration should be given to the question of linguistic uniformity. By "language" we do not mean that the language spoken at home should be the sole criterion. An Oriya caste may have under the stress of the present dismemberment become Telugu or Hindi-speaking because of want of facilities in schools, courts and kacheries for the Oriya language. A unit of area should be fixed in each of the outlying tracts, and if Oriya is the predominant language in that unit, then it should go with Orissa. So far as the Madras tracts are concerned, this unit should be a revenue taluka. If large estates have

a bi-lingual population, the opinions and conveniences of the proprietor or zamindar should certainly weigh with the Expert Committee, but the desires of the tenants, if they conflict with those of the zamindar, should generally be upheld, unless there are strong reasons of administrative convenience why the desires of the tenants should be overruled. We are not in favour of partitioning estates for purposes of a separate province of Orissa. Then there may be large industrial centres like Jamshedpur within a district like Singhbhum proposed to be amalgamated. A question like this should be settled by a sort of arbitration of a representative of the Central Government. Then the question of aboriginal races has to be decided. The principle to follow in this respect is to find out to which province the particular race is mostly confined, and then put them together in the same province. A second consideration in respect of the aboriginal classes is to pay due regard to the language which has been the civilising medium in their case. And if they entered into any agreement as to which language they should receive instructions in, the same should be respected. If in a tract mostly peopled by aboriginal classes, the tests above do not yield a result in consonance with the object of securing a linguistic province out of a contiguous area, then the desires of the major non-aboriginal community as to which province the tract should be transferred should finally decide the question. But we do not think the problem in any tract will assume this last form, if the interests are sought to be served of the aboriginal population as well as the Feudatory States of Orissa which are an integral part of Utkal so far as propinquity of language and race is concerned. Finally, there may be one or two small areas predominantly Oriya speaking but as a result of the disruptive force working so long in the outlying areas their leaders may be incapable of realising the value of a separate Utkal Province. In such a case there should be a referendum to the adult population to finally decide the issue. Our proposals might seem meticulous, but knowing as we do the strongly evil effects of this long dismemberment, we feel that no pains should be spared to go into the question. As we have already stated the Oriya problem is the acutest and is not merely a part of the general movement for linguistic distribution of provinces.

*The Scheme.*

The following will give an idea of the Oriya-speaking country. The population figures are of the 1921 Census, except where otherwise indicated :—

Serial No.	Oriya Tracts.	Area in square miles.	Total population 1921.	Oriya Population.	Remarks.
<b>BIHAR AND ORISSA.</b>					
1	Orissa Division ... ..	13,736	4,968,873	4,657,947	
2	Orissa Feudatory States (26) ... ..	28,648	3,959,699	2,940,338	
3	Singhum Dt. in Chota Nagpur Division ... ..	3,891	759,438	140,821	
<b>MADRAS.</b>					
4	Ganjam Dt., except Chicacole Taluk ... ..	7,920	1,894,851	1,024,043	
5	Vizagapatam Agency, except Gudam Taluk ... ..	11,883	938,576	473,710	
<b>CENTRAL PROVINCE.</b>					
6	Chandrapur, Padmapur, Phuljhar and Khariar Zamindaris, etc. ... ..	1,822	266,344	139,362	We have taken figures for 1911 as it was not possible to get figures for 1921.
7	Bastar, Sarangarh, Raigarh, Udaipur, and Jhaspur States ... ..	18,056	993,552	102,022	
8	<b>BENGAL.</b> Contai sub-division, Dantan, Gopiballabpur, Mohanpur, Nayagram, etc. ... ..	2,564	1,243,580	572,798*	
	<b>Total ... ..</b>	<b>88,520</b>	<b>15,024,883</b>	<b>10,051,041</b>	
	<b>British Territory States ... ..</b>	<b>41,816</b>	<b>10,071,662</b>	<b>7,008,681</b>	
		<b>46,704</b>	<b>4,953,221</b>	<b>3,042,360</b>	

\* As admitted in the Census Reports both for Bengal and India and the Bengal Government, there has been a manipulation of figures representing Oriya speakers at the Census of 1921, and hence the figure of 1891 is taken as likely to be more correct.

*Status of the Administration and other matters.*

The status of the administration for this 15 millions of population should be a Governor's Province. The Governor should be appointed by the Governor-General in Council as recommended by the supplementary Report of the Nehru Committee. The Provincial Executive should consist of three ministers appointed by the Governor. The Governor should select the Chief Minister and appoint others only on his advice. We have accepted the provision of a uni-cameral legislature for the provinces consisting of a number of members calculated at the rate of one per 100,000 of population, and a bi-cameral system for the Central government, the upper house being elected by the provincial Councils. The present system of a circuit High Court at Cuttack should be continued, but which High Court of a neighbouring province should in the future exercise control may be determined by eliciting popular opinion. We favour the formation of a Supreme Court. So long as a separate High Court is not established for Orissa, we propose that the Supreme Court should have jurisdiction over disputes concerning the Orissa Feudatory States.

There should be no Divisional Commissioners. The Officer in charge of the States should be appointed by the Governor-in-Council. A University for Orissa should come into existence, which should put emphasis on studies relating to Orissa's natural resources and her language, arts, and crafts. As the University will have to serve both British Orissa and Orissa States a way should be found of constituting the governing body on the elective principle of not only giving representation to graduates, the legislative council, and local bodies, but also to donors from the Feudatory States. The proposed Orissa Chamber of Princes should be provided with representation on the governing body.

There should be universal adult franchise to the legislature, and a candidate for election must have attained 21 years of age. There shall be reservation of seats in the legislature for Mussalmans on the proportion of their population with the right to contest additional seats. This reservation shall be for ten years and the matter may be reconsidered after the expiry of the period. The term of the provincial council should be five years.

The maximum salary of the Governor shall be Sixty Thousand Rupees while the Ministers should be paid Thirty-Six Thousand Rupees.

## CHAPTER VI.

## THE FINANCIAL ASPECT.

*The Financial Consideration is of Recent Origin.*

The creation of a separate province of Orissa has recently been discussed in the country, and the All Parties Conference held at Lucknow in August last has assented to the proposal if the Oriya-speaking people "are able or are prepared to bear the financial burden which is incidental to separation." This declaration assumes two things, viz., that either the present revenues of the Oriya-speaking country do not satisfy all its needs, and the deficit of the burden is borne by the present provincial governments in whose jurisdiction the Oriyas live; or, that the income just balances the expenditure so far as the provincial finances are concerned, and that the cost of equipping the new government with offices and residences and the additional establishment have to be met from new sources, which in this instance the Conference suggests should be the people concerned by means of additional taxation; or, further still, that both the present deficits if any and the additional cost of forming a new government should be so borne. It is needless to point out that this opinion of the Conference has not been founded on any examination of the finances of Orissa. But apart from this objection, we confess that this apotheosis of the financial consideration has been recently imported,

and that even the government has till now never adopted this line of argument. Of course, it has been reported that the Bihar and Orissa Government has expressed its unwillingness unaided to undertake the task of administering Oriya tracts transferred from Madras unless a way was found to reimburse them for the supposed deficit of the tracts proposed to be transferred. We do not consider this attitude entirely unreasonable, for both the provincial legislature and the Central Government have to be consulted by them, however much we may desire that a bold policy should be adopted on their own initiative by the Bihar and Orissa Government. Neither the Report on Indian Constitutional Reforms (in para. 246) nor the Report of the Joint Select Committee of the Government of India Bill (Recommendation on Clause 15) nor Sec. 52A of the present Government of India Act lay down any condition as to the financial question. This is not to say that the financial question is not at all important. Our contention is that it should not supersede other very vital matters which form the prime consideration in respect of the Oriya demand. Under the circumstances we regret exceedingly the decision of the All Parties Conference on the subject, while we readily concede that the question of finance has to be examined preliminary to amalgamation and creation of a provincial status.

*Orissan Finances in olden times.*

Before examining the question of finance, we should first like to allude to the historical fact that Orissa like several other administrative units was in the past in the full enjoyment of an autonomous government both self-contained and efficient. We do not make this reference with a view to obtain a solution from the past as to the exact question which immediately needs a solution but wish to make out that both history and sentiment are in our favour and the experiment of a separate province is not proposed to be made in the dark. We find from the account of Orissa by Hunter that a substantial surplus was in most cases the invariable rule when the Kings of Orissa governed. Dr. Hunter asserts (*see* Orissa, Vol. 1, p. 325, *et seq.*) that under the native dynasty, the revenue sufficed to support an administration infinitely more minute and as regards its higher officials infinitely higher paid than at present under British control. He says (*ibid*): "Under the Hindu princes it supported, besides, a peasant militia of 300,000 men and a regular army of 50,000 foot, 10,000 horse, and 2,500 elephants. We know from the Mussalman annalists that the Orissa King could at a moment's notice take the field with 18,000 horse and foot. But the public works of the Hindu Dynasty attest the magnitude of their resources in a way that admits of no dispute. Thirty or forty thousand pounds\* were not considered extravagant for an ordinary temple. The accumulations of one monarch (Anang Bhim Deo) are stated at £1,296,750 and from this he set apart £406,250 (1,500,000 marks of gold) for the holy edifice of Jagannath. A similar magnificence surrounded the private life of the Orissa Kings. Their five royal residences (*Kataks*) still live in popular tradition." And Raja Narasinha Deo spent for the building of the Black Pagoda at Konarak an amount no less than the revenue of twelve years.

*Provinces not Independent Fiscal Units.*

Before considering the present revenue and expenditure of the Oriya-speaking tracts, it is well to bear in mind a few general considerations. The provinces in India are admittedly the creations of mere administrative exigencies, having grown in a haphazard fashion. They have been considered as independent political entities only recently. The supreme, central government was in existence long before. Even when the provinces began to function, they acted simply

\* Dr. Hunter wrote in 1872, and the appropriate value in modern terms should be taken to arrive at a proper figure.

as agents or representatives of the central government with neither an independent will nor an independent policy of their own. Till the Reforms of 1921 the provinces spent money allotted to them by their principal and it is only recently that the goal of a political federation and fiscal autonomy has been accepted by every shade of public opinion. But frequent changes in the boundaries of the province as well as the fact that they came under British rule at different times and under different stages of development obviously destroy the hypothesis of treating the provinces as independent fiscal units, capable of all being treated according to a uniform standard of financial relations with the central government or of taxation by the respective governments. Attempts at standardising the financial relations between the provincial governments and the government of India have no doubt been made ever since 1870-71 when Lord Mayo first introduced an element of decentralisation.

*No Uniform Standard of Financial Relations with Provinces yet possible.*

Although in 1909 the government of India laid down and the Royal Commission on Decentralisation endorsed that the same share of the chief sources of revenue should be given to the provinces, there was no uniformity observed as regards the percentage of each head of revenue allotted to each of them. In fact the standards adopted in 1910-11 in these "permanent settlements" were based primarily on the estimated needs of individual provinces on the actual data of expenditure then available. The scheme of these "permanent settlements" which converted fixed assignments to the provinces into a system of divided heads provided special contributions from the central exchequer; and what is interesting, such contributions were larger than during the period when the quasi-permanent settlements were in force. The Meston settlements of 1921 separated the resources of the central and provincial governments and fixed a system of contributions by the provinces to the central exchequer, but in a number of cases these contributions had to be remitted by the central government, notably in Bengal for three years at the rate of 63 lakhs per annum from 1922-23 onwards. The Meston Committee fixed the "initial contributions" of provinces on the basis of the increased spending power resulting from the redistribution of the revenue heads. And agreeably to the recommendation of the Joint Select Committee of 1919, these provincial contributions have been finally wiped out in the current year. And even at that a final stage has by no means been reached. The recommendations of the Taxation Enquiry Committee in their relation to the Meston Settlement are awaiting translation into action. The Government of India seems committed to idea of giving provinces a greater share of income tax than that accruing under Devolution Rule XV; they are suggesting that the provinces should have the proceeds of flat rate of income tax on personal assessable incomes from all assesses resident within the province; the resulting provincial deficits are proposed to be made up by fixed assignments or by a system of grants in aid for specific purposes. The position indicates that the provinces and the central government have not developed a fixed system of relations.

*Provinces not to be left to their own devices.*

Since the Reforms the provinces have obtained independent powers of taxation and there have been varying rates of increase of revenue during the period. In a province like Bihar and Orissa, the development has been slower than the more advanced provinces firstly because of the comparatively recent constitution of the province, and secondly because of the low taxable capacity of its population. In provinces like Punjab or Madras the development was more rapid, and for obvious reasons. What we

wish to point out is that though it should be the ideal of the federal government of India to attain a common standard of economic welfare for all the provinces, the fact that they are not all equally developed or even capable of identical lines of simultaneous progress, that their possibilities of new revenue resources are also unknown and unrealised, should not be overlooked. While the system of assignments by the Central government has to be deprecated as a permanent arrangement affecting the aim of self-sufficiency of the provinces, the method of provincial contributions will impair the credit of the central government both inside and outside the country and consequently is equally undesirable. We therefore do not think it advisable even if possible to abandon the provinces to their own devices of enhancing their revenues. The insistent demand for provincial fiscal autonomy might not permit that "watchful might of a common central government, supreme as it will be solicitous" to the developmental needs of each province. We therefore consider it necessary to utter this note of warning when federation ideas are in the air, and we are particularly gratified to find that the Nehru Report endorses the sentiment that it is not absolute federation that the country should have a view.

*But minimum standard of welfare necessary.*

The question of financial self-sufficiency therefore is beset with limitations of a fundamental character. India has nine Governors' provinces and six backward provinces. These backward provinces, for instance, ought not to lag behind in the standard of material prosperity and comfort. But if these were to depend entirely on their own resources, they may not for a long time be able to provide for the people in their charge all the facilities that go to make up civilised life. While, therefore, no absolute uniformity of conditions is attainable or even desirable, we must insist on a minimum standard, below which no province should go in the national interest and up to which certain provinces may not come of their own resources.

*Need for a different angle of vision.*

These considerations imply that the problem of a separate province should be approached from a totally different angle of vision. By this we do not compromise the position we have taken up in the succeeding paragraphs that the present revenues of natural Orissa are sufficient for her needs so far as her present scale of expenditure is concerned. We have discussed the general question because the financial relations need a further adjustment and in fact the proposals are on the anvil, while the fact that Orissa which has been in four provinces and neglected during a century and a quarter, makes it essential that the general considerations should not be lost sight of in providing the wherewithal for her development as a distinct provincial unit.

*Full data not available.*

In the examinations of the financial aspect we are however, confronted with an initial difficulty. The figures of revenue and expenditure for a Division or a District are not separately available unless information is gathered from answers to Council interpellations and unless the government makes the calculations separately. In the case of the Ganjam District, however, comparatively full information is available as the average of the three years from 1923-24 to 1925-26 have been worked out and an officer of the Behar finance department was deputed in 1927 to Ganjam and Madras to study the position. There is also no means of arriving at the indirect or undistributed revenue in the case of the Orissa Division. Nor has any data been available for our purposes of Singhbhum or the Oriya tracts in the Central Provinces and Bengal. Even the Government has to base its calculations on rough approximations.

## SCHEME FOR SEPARATE PROVINCE FOR UTICAL.

[Continued.]

*Orissa Division.*

In 1925-26 the revenues stood as follows for the Orissa Division:—

	In lakhs of Rupees.
Land Revenue ... ..	30.51
Excise ... ..	31.53
Stamps ... ..	12.21
Forests ... ..	3.74
Mines and Miscellaneous ... ..	0.61
Jails ... ..	0.23
Registration ... ..	1.73
Law, Justice, Police, Education, Medi- cal, Roads and Buildings ... ..	2.62
Total of direct revenue	Rs. 83.21
Add on the basis of the comparative population of the Orissa Division and of Behar and Orissa, one-seventh of the undistributed revenue ... ..	Rs. 5.62
Total Revenue ... ..	Rs. 88.23

This Total does not take into account the receipts under local cesses for the year, of Rs. 4.56 lakhs. The recent land revenue settlements just concluded are expected to yield about Rs. 10 lakhs. As to further increases in revenue, we note that the revenues of the Orissa division were calculated once in 1922 and a second time after 1926. During these four years, while the revenues of the entire province increased from Rs. 443 lakhs to Rs. 570 lakhs, those of the Orissa division rose from 73 lakhs to 88½ lakhs. The increase percentage is less in the Orissa division. But we think that considering the normal increase the revenues of the Orissa division would swell to at least 116 lakhs by 1931 when the first decennium after the Reforms would have been completed.

*Deficit of Surplus.*

In the absence of data for expenditure, we shall consider the Behar Government's assertion that in 1925-26 there has been 17½ lakhs of deficit in the Orissa Division after taking into account the undistributed expenditure at one-seventh of the provincial total. This undistributed expenditure provides for headquarters charges, the Governor, the Executive, the Legislature, the Secretariat, the heads of the departments and a share of the High Court. We have said that the settlements have enhanced land revenue by about Rs. 10 lakhs, and even if the contention of a deficit of 17½ lakhs falling as a deficit in 1926 be true, the balance of 7½ could be made up by removing the iniquity of having to pay out of normal revenues to pay interest charges on the Orissa canals. The receipts and working expenses of these canals are said to be mutually balancing themselves, while Rs. 8.50 lakhs have to be paid to the Central Government annually on capital account and shown as irrigation charges. Originally these canals were not wanted, and this iniquitous burden was saddled on the provincial revenues under strange circumstances. The recent report of the Adams-Williams Committee which enquired into the Orissa floods write about the Orissa canals: "As the result of a report by Sir Arthur Cotton which has since been based upon incorrect promises the Orissa canals were taken in hand in 1863 by a private company, the East India Irrigation and Canal Company in spite of a warning from Government that the profits anticipated were almost certainly over-estimated. The Company failed in 1868 when the works were only half completed and government took them over and finished them, although on a less ambitious scale than had originally been contemplated. Owing to the huge capital cost, the canal system has never been remunerative; it does little more than pay its working expenses leaving the bulk of the interests on the original expenditure to be met from other revenues. Since 1891, the cost of all new works required for the system has been met from revenue. We do not see why the future genera-

tion of Orissa should be penalised for the mistakes, consciously acquiesced in by a government which went out of its way to evince solicitude for the misfortune of a private company. If this amount be remitted, a measure which is long overdue, the finances of Orissa division by 1931 would be more than self-sufficient.

*Ganjam District.*

The figures of the Ganjam District are available from answers to interpellations by Sjt. Biswanath Das, member of the Madras Council and a signatory to this report. The Madras government has worked out an average of income and expenditure for the district during the three years 1923-24 to 1925-26, and showed that revenue of the whole district is Rs. 45.84 lakhs while expenditure is Rs. 37.81 lakhs. Mr. U. M. Sen of the Behar Government worked out what he calls "standard figures" which are totally divorced from local conditions or the experience of the Madras Government itself. Sjt. Biswanath Das has gone minutely into the matter, and shown both on the basis of the government's figures, the Administrative Reports, and statistics obtained from departmental officer in the district that there is no justification for departing very much from the data contained in the Madras Government's replies to his interpellations of February, 1926, and September, 1928. We have adopted Mr. Das's figures and do not think it necessary to deal item by item of Mr. Sen's errors. The position stands thus:—

	Revenue.	Expendi- ture.	Differ- ence.
	lakhs.	lakhs.	lakhs.
Madras Government's averages ... ..	45.84	37.81	+8.03
Mr. U. M. Sen's stan- dard figures ... ..	38.63	45.14	-6.51
Our standards ... ..	52.06	42.58	10.37

The table shown on page 410 will illustrate the position under each head of receipts and expenditure.

*Mr. Sen's excluded areas.*

Mr. Sen excludes a number of taluks of the Ganjam district whose revenue and expenditure he arbitrarily puts at Rs. 13.57 and Rs. 8.72 lakhs without including therein a proportionate share of expenditure incurred in pay, establishment, contingencies both of office and Officers of the district heads of departments. There is no warrant for doing so if even the recommendations of the Philip-Duff Report are taken into account. We shall deduct Rs. 7.17 lakhs from both revenue and expenditure of the total district figures to arrive at the financial position of the portion of the district proposed to be added. This figure is taken from the statement of the Madras Government. Thus from Ganjam portion we shall obtain an additional revenue of not less than Rs. 45.5 lakhs.

*Other tracts.*

Then there is the Vizagapatam Agency except the Gudem taluk, Singbhum, the Midnapur areas and the C.P. Oriya speaking tracts. Accurate and up-to-date figures of these areas are not available, but the additional revenue would be in the neighbourhood of Rs. 35 lakhs from these areas

*Not a deficit Province.*

Thus the total revenue of the Oriya-speaking country would be in the neighbourhood of Rs. 197 lakhs with a present scale of expenditure which does not exceed the receipts of the province. The Behar government estimates that the expenditure of a separate Oriya province will be about Rs. 150 lakhs and there would be a deficit of Rs. 20 lakhs annually. We have shown that there would be increase in land



## SCHEME FOR SEPARATE PROVINCE FOR UTKAL.

[Continued.]

## AVERAGE FIGURES FOR THREE YEARS FOR GANJAM DISTRICT.

	Receipts (in lakhs of Rupees).			Expenditure (in lakhs of Rupees).		
	Madras Government figures.	Sen's Standard figures.	Our Standard figures.	Madras Government figures.	Sen's Standard figures.	Our Standard figures.
1. Taxes on income ... ..	—	0.09	.15	—	—	—
2. Land revenue ... ..	23.72	18.32	23.72	1.24	0.34	0.04*
3. Excise ... ..	11.59	11.23	11.59	0.50	0.82	0.75
4. Stamps ... ..	5.56	5.85	5.85	0.12	0.15	0.15
5. Forests ... ..	—	1.78	2.50	—	2.30	1.30
6. Registration ... ..	0.87	0.87	0.80	0.58	0.58	0.60
7. Irrigation (NHI) ... ..	—	0.00	—	—	—	—
8. Irrigation (NIV) ... ..	3.02	0.02	7.27	5.54	8.79	9.50†
9. Interest (NVI) ... ..	0.26	0.26	—	—	—	—
10. Administration of justice ... ..	0.33	0.33	0.33	2.00	2.00	2.00
11. Jails and convict settlement ... ..	0.06	0.06	0.06	0.50	0.50	0.50
12. Police ... ..	0.12	0.14	0.14	0.45	6.95	6.95
13. Education ... ..	0.03	0.01	0.01	7.23	8.66	7.50
14. Medical ... ..	0.05	0.01	0.01	1.01	1.34	1.10
15. Public Health ... ..	0.03	0.01	0.01	0.36	0.42	0.42
16. Agriculture ... ..	0.03	0.01	0.01	0.37	0.37	0.37
17. Industries ... ..	0.07	0.07	0.07	0.06	0.10	0.10
18. Miscellaneous departments ... ..	0.08	0.08	0.08	0.05	0.05	0.05
19. Civil works ... ..	0.13	0.15	0.15	2.75	6.00	(Total items 7, 8 and 9).
20. Superannuation ... ..	0.08	0.08	0.08	1.33	1.33	1.33
21. Stationery and printing ... ..	0.03	0.03	0.03	0.09	0.40	0.10
22. Miscellaneous ... ..	0.10	0.10	0.10	0.03	0.03	0.03
	Rs. 45.84	Rs. 38.63	Rs. 52.96 lakhs.	Rs. 37.81	Rs. 45.14	Rs. 42.50 lakhs.

## Summary.

	Receipts.	Expenditure.
As per average of three years for 1923-24 to 1925-26 ... ..	Rs. 45.84 lakhs	Rs. 37.81 lakhs
Mr. Sen's suggested Standard ... ..	Rs. 38.63 ..	Rs. 45.14 ..
Our estimates ... ..	Rs. 52.96 ..	Rs. 42.50 ..

\* This includes expenditure—22 General Administration.

† This includes expenditure under 41 Civil Works which is item 19 here.

revenue of the Orissa division, the annual payment of interest on the Orissa canals should be remitted besides the factor of normal increase in revenue. These show that at present the province is not a deficit province.

## Future development.

We certainly realise that development of the province would need additional revenues. There is one factor to be considered. The Orissa province contains within its limits the scheduled or backward tracts of (1) Jeypore, (2) Ganjam Agency, (3) Angul, (4) Singbhum, and other tracts, whose revenues do not suffice the expenditure that must be incurred on them and will not suffice till a minimum standard is reached. There was a discussion in the Legislative Assembly in February, 1927, about withdrawal of Angul from the operation of Sec. 52A of the Government of India Act on an amendment by Sjt. B. Das, a member from Orissa. It may be that some of the provincial governments concerned have been bearing the burden of developing these areas at present, but under the reformed constitution this should be a charge on the Central Government. The claim receives added weight in view of the fact that no legislature, Provincial or Imperial has any jurisdiction over these areas. In our opinion specific assignments should be made to the new province for the purpose, without thereby reviving the old system of doles. As regards expenditure too, we think that a policy of retrenchment will make it possible to cut down expenses which may tend to make the administration top-heavy. And if a national policy be pursued both new sources of revenue and possibilities of retrenchment will open out to the province, and a new enthusiasm and a new sense of responsibility will be substituted for the present morass of cynicism that scoffs at a financially self-contained Orissa.

## Other Provinces.

The revenue of 197 lakhs of Rupees is in our opinion sufficient for a new province like Orissa to start its career. The province of Assam began its post-reform career with Rs. 182 lakhs, while in 1912-13 its revenues were only Rs. 170 lakhs. The Central Provinces after the Berars were added began with a revenue of only Rs. 168 lakhs, though this was in the pre-Reform days. The province of Bihar and Orissa showed an increase of 70 per cent. in its revenues during the last 16 years of its life, while other older provinces during the same period revealed a lower rate of increase, thus:—

Bengal ... ..	63 per cent.
Central Provinces ... ..	75 per cent.
Assam ... ..	63 per cent.

In the matter of land revenue, the Behar part of the province is less elastic than Orissa, because of the permanent settlement. If this result was possible, and Behar could bent an advanced province of Bengal during the last 16 years, we believe Orissa's future is still more hopeful, and that her nation building departments will not be starved because of the over-head charges of a new provincial administration.

## Conclusion.

We must also claim special treatment so far as the future development is concerned. Orissa's revenues have till now gone to create equipment in Bengal, Behar and in the other provinces. They have created the balances of the provincial governments. They have added to the Famine Insurance Funds without, in our opinion, obtaining in the case of the Behar administration, an adequate return when her population was stricken with disasters. We therefore deem it necessary that the "watchful might" of the



## SCHEME FOR SEPARATE PROVINCE FOR UTKAL.

[Continued.]

Central Government should be discreetly and beneficently exercised to bring the economic welfare of the Oriyas to the level of advanced provinces. In the Nehru Report and in the resolutions of the All Parties Conference both N.W. Frontier Province and Baluchistan are proposed to be made governors' provinces. Their financial positions stands thus in 1926-27 :—

	Revenue.	Expenditure.
N.W. Frontier Province.	86.2 lakhs.	285.3 lakhs (of which Rs. 99 lakhs is political expenditure).
Baluchistan ...	21.62 lakhs.	82.19 lakhs.

Judged from whatever standards, from the point of view of population, education and revenues, despite all the handicaps resulting from long neglect, Orissa deserves a far better treatment, consistent with her history, her traditions and her aspirations. We note too that the Madras Congress of 1927 did not make any assumptions about financial deficits when they recommended the formation of all Utkal Pro-

vince. It is but right that the bogey of finance be once for all removed and a more optimistic view taken by those concerned. We consider that linguist distribution of province should not be made conditional on questions of finance, for it is really the principle of self-determination which is involved in this proposal.

B. DAS.  
LAKSHMINARAYAN SAHU.  
NEELAKANTHA DAS.  
LINGARAJ MISHRA.  
HAREKRUSHNA MAHATAB.  
NANDAKISORE DAS.  
MUKUNDAPRASAD DAS  
JADUMANI MANGARAJ.  
LINGARAJ PANIGRAHI.  
BISWANATH DAS.  
JOCINDRANARAYAN ACHARYA.  
RADHANATH PATI.  
RAM NARAYAN MISRA.  
NIRANJAN PATNAIK.  
GOPABANDHU CHOWDHURI.

### Memorandum submitted by B. N. MISRA, Barrister-at-Law, Ex-M.L.A. (Orissa Division).

I herewith beg to enclose a memorandum for the Amalgamation of the Oriya-speaking-tracts under one of the existing Provinces preferably under Bihar and Orissa to avoid the embarrassing question of Finance.

I need hardly mention that the principle of forming Provinces on Linguistic Basis has been admitted on all hands, i.e., the Government of India, British Parliament, the National Congress of India and by prominent and advanced Politicians and Political Leaders of India and England.

(a) In case the formation of a separate Province for Orissa is decided which will be most welcome to the people, the Province ought to be formed of the British District of Puri, Cuttack, Balasore, Sambalpur Singhbhum and Angul from the Province of B. & O.

(b) Phuljhar, Khariar, Padmapur, Chandrapur, Malkhurda from the Central Provinces.

(c) Ganjam District (with the exception of Chicacole and Narsanepetta Taluqs); Jeypore in the Vizagapatam District from the Province of Madras.

(d) Cantai Sub-division and 4 Thanas of Midnapur Sub-division from Bengal.

(e) And the States of Baster, Raigad, Sarang Garh, Jashpur from C.P. together with the 24 States of Ruling Chiefs now existing in Orissa.

It is respectfully submitted that the area, population and finance will justify the formation of a separate Province.

The constitution of Orissa will be as follows :—

Executive Government: A governor with 3 Ministers chosen from the elected members of the Legislature without any executive Council.

Legislative council will consist of as many members as the population and importance of the Province demands.

The Commissioner's post and establishment will be abolished and merged in the formation of the Executive proposed.

The States of the Ruling Chiefs will have the same rights and privileges as are enjoyed by them subject to their affiliations and submissions to any general scheme that will be arrived at after full consideration for all the Indian States.

#### REGARDING THE UNION OF ORIYA-SPEAKING TRACTS.

The scheme for the Amalgamation of the Oriya-Speaking-Tracts is pending before the Government of India for a very long period. Most likely Reports of the several Provincial Governments will soon reach the Government of India's Office and final decision by His Excellency's Government is anxiously awaited for by the people concerned.

A brief survey of the Oriya country will convince your Commission that no other part of India has such a long-standing-grievance as the Oriya-Speaking-Tracts. The province of Orissa has enjoyed no better lot than that of Cinderella as compared with her neighbouring sister provinces of Andhra or Bengal under the benign British Government. No other race has suffered as much as the Oriyas in matters of

- A. Education.
- B. Court language.
- C. Service under Government.
- D. Administration of Law and Justice.
- E. Representation in the Government as well as in Councils, and public bodies.

This long-standing neglect of the Oriya Interest by the British Government has greatly handicapped the progress of the race—a race that had a glorious past but is now described as backward and is unable to keep pace with the neighbouring races.

The province of Orissa which is rightly described as the "Holy land of India" and which boasts of the finest specimens of Architecture in the magnificent Temples of Jagannath, Bhubaneswar and even in the ruins of Konark, in suffering most miserably and bleeding from dismemberment of her head and limbs.

Geographically viewed the Oriya-speaking Tracts have been cut into 5 parts and are being administered by 4 Provincial Governments viz. Madras, Bihar and Orissa, Central Provinces and Bengal.

It is unnatural that a race speaking the same language, having the same customs and manners, having same traditions and history, living in one compact and contiguous area should desire to be administered by one Provincial Government and be educationally brought under one University?

MEMORANDUM BY B. N. MISRA, BARRISTER-AT-LAW, EX-M.L.A. (ORISSA DIVISION). [Continued.]

It is submitted most respectfully that complaints and representations have been made to the Madras Government often:—The result being the passing of several orders, particularly Government Order of 1876 (recognising Oriya as a vernacular for educational purposes) G. O. of 1890 (for dividing the District or fixing percentage of Oriyas and Telugus in offices of Government), G. O. of 1912 (recognising Oriya as the sole Court language of Gumsur Division) and similar others to remove some crying grievances. But with due respect to the said Government it must be said that the said orders except the last were more honoured in breach than in observance.

The Oriyas living under C. P. have often prayed for Amalgamation of their tracts with Orissa since 1865. Although Sambalpur has been added to Orissa in 1905, still a good portion in the Raipur and Baispur districts, viz., Khariar, Phulajhar Padmapur Chandrapur, etc., remain untransferred.

In 1903 the Government of India under the régime of Lord Curzon proposed to unite the whole of Jeypore Zamindary and Ganjam District except Chicacole and Narasannapet Taluqs but unfortunately for the Oriyas the scheme fell through.

Since 1903 the Utkal Union Conference (the most important representative organ of the Oriyas living under Madras, Orissa, Bengal and C.P. Governments) have made representations to unite the Oriya-speaking parts under one Government but no result has yet come out.

The Montford Report of 1919 suggested that a Sub-Province for Orissa should be formed "at no distant date." But nothing has yet been done. Mr. S. Sinha moved a Resolution in the old Imperial Council in 1920 which was supported by the Raja of Kanika. The subject was pressed before the Government of India in the Legislative Assembly in 1921. 1922, 1923 and thereafter, by my humble self, B. S. Das, Ex-M. L. A., and B. Das, M. L. A., and many others besides the several public bodies of Orissa and Ganjam and Members of the Madras and Bihar and Orissa Council.

As a result of these representations the Government of India was pleased to appoint a commission in 1924 to ascertain the wishes of the Oriyas of Madras and the Report of the Phillip-Duff commission was the outcome.

Most likely the Government of India have made up their mind to proceed provisionally on the assumption that the Oriya-speaking-tracts in other provinces may ultimately be included in such amalgamation for which Government deserve the grateful thanks of the Oriyas. But at the same time they express a view that the matter is complicated owing to the presence of the Telugus in:

(a) Jeypore Zamindari.

(b) Parlakimidi and Tekkali Talluqs and endeavour to make a case against Phillip Duff Recommendation. This news has greatly roused the feeling of the Oriya-speaking people and has disheartened them deeply although they find a silver lining in the dark clouds in the enunciation of the principles to be applicable to the transfer of such tracts.

To the Oriyas the Amalgamation of the Oriya-speaking-tracts is a life and death problem.

To the Telgus it is a question of retention of Official influence, power and position in the Oriya parts.

It being a very critical moment in the annals of Oriya agitation it is earnestly hoped that your commission will be pleased to bestow their best thought on the question.

For a proper understanding of the case I humbly venture to make some suggestions for consideration by your commission as each area has some peculiar circumstances and the application of the principles has not been rightly made.

(A.)

As regards the Jeypore Zamindari the following submissions may kindly be noticed.

Jeypore Zamindari includes the Taluqs of—

	Oriya.	Telugu.
Nowrangpur ... ..	142350	1291
Jeypore ... ..	140879	3963
Karapur ... ..	37398	912
Malakangiri ... ..	22932	3976
Padwa ... ..	35841	43559
Bissamcuttack ... ..	20890	7310
Raygada ... ..	18314	14845
Gunpur ... ..	22304	35227
Total ... ..	440908	111083

With a population of 440,908 Oriyas as against 111,083 Telugus.

The Government of India proposes to leave this area as it presents some difficulties mentioned below.

(1) It is said the Maharaja of Jeypore is against the transfer of his Zamindari.

(2) In the Taluqs of Padwa and Gunpur the majority being Telugus the said Taluqs cannot conveniently be transferred to the Oriya country.

(3) If the above mentioned 2 Taluqs are retained under the Madras Government the Zamindari will have to be split up.

(4) Nowrangpur, Jeypore and Karapur Taluqs although they have about 98 p.c. of Oriyas still they cannot be transferred because they are

(a) separated from the rest of the Orissa by the Kalahandi state.

(b) if transferred the addition of the area will be too small for a district.

With due respect to the observations of the Phillip-Duff Commission and the provisional decision of the Government of India it is submitted that the tests of—

(1) Majority of population.

(2) Entirety of estate for transferring areas have been mis-applied in the case of the tracts mentioned above.

That admittedly Nowrangpur, Jeypur and Koraput contain 320,627 Oriyas as against 6,116 Telugus and must therefore be considered suitable for transfer to Bihar and Orissa.

Two arguments have been advanced against the inclusion of this area in Bihar and Orissa viz. (a) it is separated by the Kalahandi state of Orissa and (b) the addition of the area would be too small for a district.

It is submitted that Angul in Orissa, which is similarly separated by Feudatory States, is well managed by the Bihar and Orissa Government. There will be no difficulty for the said Government to manage the Nowrangpur, Jeypore, Koraput area which is equally circumstanced in position, quality, in point of administration of law and justice, both being non-regulated portions or scheduled districts.

That the Jeypore Zamindari considered as a whole contains 440,908 Oriyas as against 111,083 Telugus, i.e., the proportion of Oriyas to Telugus being 80 to 20.

It is most respectfully submitted that the entire Zamindari fulfils both the tests for transferring the area to Bihar and Orissa.

There will be no administrative difficulty to the Bihar and Orissa Government as they are all administering large tracts in Chhotanagpur, the laws applicable and the form of administration being similar in as Jeypore in Angul and Chhotanagpur districts in Bihar and Orissa.

As regards the second objection it may be said that the Jeypore area will be quite big to form a district, if not two, as the Madras Government treats it for the purpose of Police and Local Self-Government administration. The administration charges being moderate it will not be a heavy burden on the Bihar and Orissa Government. Jeypore has got

MEMORANDUM BY B. N. MISRA, BARRISTER-AT-LAW, EX-M.L.A. (ORISSA DIVISION). [Continued.]

of material development like Singhbhum and Hazaribagh districts of Chhotanagpur. The Bihar and Orissa Government ought to be too glad to have the entire area.

Further it is submitted that a point or test cannot be carried too far and it is nothing but ridiculous to push it to arrive at a vanishing point.

It is not only unsound but dangerous to go on searching village after village, thana after thana, Taluq after Taluq, to provide for each race to transfer a tract. It is enough if the entire zamindari or Revenue Division contains a good majority of Oriyas.

It is said the Maharaja of Jeypore is opposed to the transfer. The reason is not far to seek. (1) The Maharaja was very likely afraid that his zamindari would be bifurcated, the portion containing a majority of Oriyas might be transferred to Orissa and the portion containing a Telugu majority might be left under Madras.

(2) Then again in spite of the overwhelming majority of Oriya population the Telugus have managed to monopolize his Office. Their interest is antagonistic to the Oriya cause and no wonder that the Maharaja might have been misled about the consequences and necessity of the transfer of his Zamindari.

In case of the transfer of the entire Zamindari prudence ought to dictate to the Maharaja not to oppose the transfer against the wishes all the Oriya Zamindars and others who welcome the change.

The fact that the entire Zamindari contains about 80 per cent. of Oriyas—the fact that Court language of Jeypore, Nowangpur and Koraput is Oriya—the fact 90 p.c. of the schools are Oriya Schools, are sufficient to convince any one to consent to the transfer. What value can be attached to the opinion of the Maharaja when he does not seem to take a rational view of things and does not interest himself in the welfare of the large majority of his Oriya subjects?

What will be the fate of the Oriya schools in the Zamindari?

What will be the Court language of his Oriya subjects if his Zamindari is kept under Madras?

It is to be regretted that the Maharaja is unable to grasp the situation and to form a proper opinion in the matter.

The Government have always to look to the greatest good of the greatest number. After all the Maharaja is one individual only. It may be, the misled Maharaja may change his opinion if matters are properly explained to him. Therefore at this stage his opposition has neither any force nor any reason in it.

#### (B.)

Submissions as regards the Parlakhemdi and Takkali Sempetti Taluqs of Ganjam.

It is said these Taluqs contain a majority of Telugus hence it is difficult to transfer them.

This argument ought to be considered with several attendant circumstances.

The Phillip-Duff Commission says :—

“The Zamindars in these Taluqs are mainly Oriyas including the Raja of Parlakhimidi who is the owner of the largest permanently settled impartible estate in Ganjam District. They appear to be in favour of Amalgamation.”

Messrs. Phillip and Duff concluded so far as Parlakhimidi is concerned, that while educated Oriyas desire amalgamation of the Taluqs the Telugus who form the majority of the population do not really care much what Government they are under, provided they keep their lands.

They also observe that if the major portion of the Ganjam District including most of the Zamindari area is taken from Madras, the Parlakhimidi estate should naturally go with the majority.

Further these are small Taluqs and will have to be included in the Berhampur division of the Ganjam District. The Berhampur division has a large majority of Oriyas. When it is proposed to transfer the whole of Berhampur Division these two Taluqs

ought to be included in the proposal, if perchance they already existed in the said Division instead of Chicacola.

The Telugus living in those tracts are not very ancient inhabitants. They have settled there for a few generations either for service under the Raja or for agricultural purposes in the Raja's estates. They will have no direct dealings with the Government offices and Courts. Their relations are mostly concerned with their landlord who is an Oriya Raja. If the Rajas of Parlakhimidi, Tekkali, Nandigram, Tarla and Mandasa choose and maintain the records of their Office in Oriya there is nothing to compel them to keep Telugu records. The result will be same whether the tenants live under the Madras Government or under the Bihar and Orissa Government. It may also be added that if the Government is disposed not to transfer Jeypore area simply because the Maharaja of Jeypore does not wish it why the same principle be not applied in the case of the Rajas of Parlakhimidi, Tekkali, Nandigan, Tarla and Mandasa? Why the wish of the Raja of Parlakhimidi will not prevail?

If the Maharaja of Jeypore who pays a Government revenue of Rs. 16,000 only is to be respected why the Raja of Parlakhimidi, who pays a revenue of Rs. 87,000 to Government, who maintains a Railway for the benefit of his tenants, who has established a Second Grade College and several other schools for the benefit of his Telugu subjects as well, will not receive the same amount of attention?

Moreover the Telugus of Parlakhimidi are accustomed to the Oriya Raja and Oriya system and can easily adopt the language in case of its transfer to Orissa.

*Objects of the Amalgamation.*—Above all the object of the amalgamation is to decide the Oriya problems for ever. The Oriyas of Jeypore and Parlakhemidi must not be left in Madras, for it will cause hardship and inconvenience to the people and that Government. The Madras Government will have to maintain Oriya educational staff, Oriya Court language and its Officers and staff will have the same difficulty as now.

The Oriyas will also suffer (1) in education (2) in the use of their language in Courts and Kutchery, etc. The interests of Oriyas will always have to be sacrificed for the benefit of the powerful Telugus as the Oriyas will form a small minority in Madras.

What will be the fate of Oriya schools and Oriya Court language if these tracts are left under the Madras Government?

Why the Andhra people who are claiming for Andhra Province and have got Andhra University be solicitous to carry the burden of the Oriyas and Oriya Education?

Broadmindedness and generosity ought to dictate to them to sympathise with the Oriyas in their struggle to stand on their own legs.

*The Agency of Parlakhemdi.*—Leaving the aboriginals of Parlakhemdi Agency almost all the inhabitants are Oriyas. The aboriginals are reading in Oriya Schools adopting Oriya Language and are imbibing Oriya civilization in all matters. They have so far Oriyaized themselves that they even object to be called Sauras by which class they were originally known.

What will be the fate of these simple people, their education and court language?

The correspondent raises an objection to the addition of the Agency tracts to the plains in forming a district as has been suggested by the Government of India. In this he betrays his utter ignorance of the present system of Government of those tracts by the Madras Government.

The Agency tracts both in Ganjam and Vizagapatnam are being administered by the District Officers who are styled as Agents to the Governor ex-officio.

What will prevent the same system from being continued under the Bihar and Orissa Government?

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Further these aboriginal tribes are found nowhere in the Madras Presidency except in Ganjam Agency and Jeypore Zamindary. The Sauras and Kandhas [Khonds] of Ganjam Agency are only found in the Kandhamals and other Garjats of Orissa Proper. All measures taken to improve their condition can conveniently be taken by the Bihar and Orissa Government. It cannot be denied for a moment that both the Governments have spent much to improve their condition and to educate them in Oriya Schools, etc. The Jeypore Zamindary Hill Tribes [Parojas, Sawras, Gadwas] are being trained in Oriya and vast sums have been spent on their education.

Will the Madras Government undo all this and compel the aboriginals to learn Telugu and import Telegu Teachers from South to replace Oriya language and Oriya Teachers?

Surely it will be a disaster to these Hill people, a death blow to their education and civilization? If the Madras Government intends to retain Oriya language and Oriya schools etc. in these tracts what objection can there be to hand over the same to Orissa Government?

The Madras Government or the Madras High Court will not really suffer from the diminution of its area or jurisdiction. For they are already suffering much from the diversity of languages of people under their charge and their officers are compelled to learn so many languages to understand the people to administer the law and justice in those tracts, which greatly suffer when an officer is transferred from the South to the North, the languages, customs and the manner of the Oriyas being greatly different from those of their Dravidian brothers and vice versa.

Owing to heavy work some new districts have been recently formed and more officers are required for the establishments in those districts.

Hence it is submitted that the Presidency will not lose any importances and the Madras Government will be pleased to judge the matter impartially. The weak and backward Oriyas cannot strongly represent their case as against their Dravidian brothers who as a sub-ruling race appropriated the leaves and fishes of the State and hence are very reluctant to part with the Oriya Tracts and raise selfish and unreasonable cries.

Moreover no small number of Oriyas living in Chicacole, Marasannapat, Taluqs and Vizagapatam plains have adjusted themselves to their Telugu surroundings and Telegu language. Hence justly and equitably there ought to be no cries from the Telegus who have chosen to be the tenants of the Oriya Rajas and have cast their lot in the Oriya country.

*Khariar, Phuljhar, Padmapur etc., in C.P.*—As regards the Central Provinces areas of Khariar, Phuljhar, Padmapur, etc., it is submitted that Phuljhar and Padmapur formed part of the Sambalpur district till 1905. These are as with some States were retained under C.P. without any justification for the same, when Sambalpur was transferred to Orissa. In these tracts the Sahras, Agharis, Binjals, etc. are genuine Oriyas by birth, social customs and manners but in recent census they have unreasonably been taken to be Hindi speaking peoples as they know colloquial language called Laria used by people being in the border of the Chhatisgarh Division in C.P. and Sambalpur District. It is submitted that at home they speak Oriya, and read Oriya religious books such as Bhagabat, Marabharata, and other Puranas. The land tenure in these tracts is the same as that of the Sambalpur District. The majority of the people who are Oriyas are willing to be transferred to Sambalpur. The *kuttas* saharas and Agharias who form the population of Phuljhar are emigrants from Sambalpur as will appear from the fact that such castes do not exist in any of the C.P. Districts. These people have their relations in the Borghar Subdivision of Sambalpur.

The observations as regards the Zamindars of other tracts also apply to the Zamindars of these tracts who have no opinion of their own and are guided by their

subordinates whose interests are antagonistic to those of the Oriyas. As the Oriyas form a majority these Zamindari with Khariar should be conveniently restored to Sambalpur District.

*Allocation and Appropriation of Finances.*—This question does not arise as no new province is being created or additional establishments are to be made or new buildings to be constructed.

The income arising from and expenditure made on the tracts with all the establishments of the Madras and C.P. Governments will simply have to be handed over to the Bihar and Orissa Government who will take charge of the area.

It is hoped the representatives of the Government of India and other Governments concerned will meet and decide the matter as early as they can and place all facts before the Commission.

For these reasons it is respectfully submitted that the entire Jeypore Zamindari and the Ganjam District with the exception of Chicacole and Narasannapat Taluqs and the tracts of C.P. referred above should be transferred to Orissa as was proposed by Lord Curzon's Government in 1903.

For this act of kindness the Oriyas as a race will remain under a deep debt of gratitude to and will ever pray.

#### SUPPLEMENTARY MEMORANDUM BY MR. B. N. MISRA. THE DISTRICT OF ANGUL.

An important question bearing on the Oriya problem is the Administration of the District of Angul which has not yet received the benefits of the Reforms introduced in 1921 nor has its inhabitants got all the advantages generally available to people in the neighbouring British Districts.

The District consists of two Sub-divisions.

- (1) The Angul Sadar Sub-division covering an area of 881 sq. miles, with a population of 1,08,315.
- (2) The Khondmels extending over 800 square miles, with a population of 74,250.

These two subdivisions are entirely detached being separated by the Band state the headquarters of each Sub-division being 87 miles apart.

The Angul district contains a population of 1,82,574 and covers an area of 1,681 sq. miles which is much less than the population of many Sub-divisions of other British districts.

It is situated within 70 miles from Cuttack the Headquarters of the Cuttack District. It has an income of not more than a lac and a half.

In spite of the smallness of the subdivisions and peaceful nature of the people it is administered by a Deputy Commissioner assisted by two S.D.O.s and Deputy Magistrates. It has got a large Police force, Medical and other officers, having the paraphernalia of a full District which entails heavy expenditure.

The expenditure as shown in the Budget of 1927 was about 8 lacs of Rupees as against an income of not more than a lac and a half. There being a clear excess of six lacs and a half on the expenditure side.

The Angul Sub-Division came under the direct management of the British in 1847 and the Khondmels in 1855. Owing to the peculiar system of administration as laid down in the Regulation I of 1894 as amended by Angul District Amendment Regulation (IV of 1904) the interests of the people have been greatly neglected. The top-heavy administration absorbs a large amount of money; consequently nothing has been done to improve the conditions of the people.

It is submitted that this District can be converted into a Sub-division of the Cuttack District and be taken away from the Scheduled Districts, and Reforms may be introduced to these parts.

The people in spite of disadvantages and neglect of Government have improved educationally and will improve much better if Responsible Government comes into vogue.

There will be a clear saving of six lacs of Rupees to the Province. If any expenditure is necessary

## THE ORIYA DEPUTATION.

political grounds that amount should be borne by the Central Government and not by the Provincial Government.

It can be well managed from Cuttack as the Headquarters of the Angul District is only 70 miles from Cuttack; moreover there is Railway communication up to Talcher Angul being connected by a motorable

road from the railway line. In education and other matters this portion is in no way inferior to many other Sub-divisions of Chotanagpur and Orissa District.

Therefore, it is prayed that the Commissioner will be graciously pleased to consider the advisability of the proposed change as regards this area.

## PATNA.

Dated 14th December, 1928.

## PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT SIR ARTHUR FROMM AND MR. KIRABHAI PREMCHAND), AND OF THE BIHAR AND ORISSA PROVINCIAL COMMITTEE.

## The ORIYA DEPUTATION.

The Deputation consisted of the following:—

1. Babu Braja Sunder Das, B.A., Ex-M.L.C., Ex-M.L.A. Editor, "The Mukur," Cuttack.

2. Birabar Narayan Chandra Dhir Narendra, Ex-M.L.C., Landholder.

3. Babu Gopal Chandra Praharaj, B.A., Vakil.

4. Mr. B. N. Misra, Barrister-at-Law, Ex-M.L.A.

5. Raj Saheb Bhikari Charan Pattanayak, Pleader.

6. Chowdhuri Bhagwat Prasad Samantaraj Mahapatra, Pleader, M.L.C., Ex-Deputy President, Legislative Council, Bihar and Orissa.

84. *Chairman* : Babu Braja Sunder Das, I believe you are going to act as spokesman of the deputation ? —Yes.

\* \* \* \* \*  
86. \* \* \* *Witness* (Babu Braja Sunder Das) : The Deputation demands that all the Oriya-speaking tracts, viz., (1) Present Orissa Division; (2) Singhbhum district in the Chota-Nagpur Division; (3) Ganjam district; with the exception of Chicacole and Narsanpeta taluka as proposed by Lord Curzon; (4) Jeypur Agency under Madras; and (5) Oriya-speaking tracts under Central Provinces and Bengal be united to form a compact United Orissa.

A separate province is our ultimate goal.

We submit that a separate province be formed of the United Oriya Tract. As a good government is never a substitute for self-government, so a partnership in financial prosperity in subordination with any other Indian race with whom we can have nothing in common, can never be a substitute for a separate province. Popular voice is supreme in the present day government and under the reformed conditions the Government cannot do justice to a minority race if the majority race (i.e., the intermediary ruling race) goes against, and wishes to tyrannise over it. We shall be in an insignificant minority in any other province if tagged to it.

We have been so far denied a separate province for the simple reason that Orissa would not be able to maintain the administration. The case has been judged by standards of expenditure which Bihar inherited from the more prosperous and wealthy province of Bengal. It is not possible that the standard of expenditure will be the same in every province, in fact it is not so even at present. We claim that by adopting a less ambitious standard the expenditure can be substantially reduced. Moreover,

the Government have not given sufficient attention towards the possible development of revenue in Orissa as it has not been necessary for them to do so. A separate Government will explore all sources of revenue and curtail expenditure to the lowest minimum. The Government of Bihar themselves did this, so much so, that while all other provinces remained in deficit for four or five years after the War, Bihar managed to balance its revenue and expenditure except for a year or two. In spite of its poverty the Government could manage to keep the balance. We humbly submit that without help from the Government of India a separate province will not be able to make much progress. We pray that the financial settlement be so adjusted at least till the next instalment of Reforms that separate Orissa can be run properly.

We again emphasize that an amalgamated and separate Orissa is our goal. These Reforms are unreal to us under present conditions and we will derive no benefit in any further instalments of Reforms, as we have no control under present conditions over the affairs of the administration nor any voice in any matter touching us. On the other hand our position will become worse, if we be tagged to any other single province.

If in consideration of the financial aspects the formation of a separate province cannot be conceded now, we suggest that United Orissa be formed into a sub-province under a Deputy Governor with a legislative council and a minister, as was contemplated in the Montagu-Chelmsford Report.

We declare again emphatically and respectfully that we shall never remain contented under the present miserable existence. Discontent will grow year by year until we get a separate province. British administration has so far been an evil for us, though

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THE ORIYA DEPUTATION.

[Continued.]

unintentional. The Governments have always been compelled to neglect us as their attention has been engrossed by the major and more advanced partners and the several provincial Governments have no time to understand, realise, and attend to our crying needs.

\* \* \* \* \*

88. *Major Atlee* : Do I understand from your memorandum that your people feel so strongly the need for union and self-government that they would be prepared to accept a lower standard of administrative device for the Government?—After we are united, we would prefer a lower standard of government for the present which would be more economic.

89. Do you think that you will be prepared when united even to vote more taxes on yourselves if necessary to make up the deficit in order that you might be a united people?—To a certain extent, sir, if it be necessary.

90. What does "to a certain extent" mean?—Of course I can see there is always an incidence to any taxation, and, so far as the people could bear, we would be quite prepared to go into any fresh avenues of taxation and to tax ourselves for meeting the requirements of the Government.

91. You will be prepared to make sacrifices for your necessary ideal?—Yes, certainly.

92. Why? Would you suggest that as regards what should be included in an Oriya province, the right way will be by taking the opinions of the inhabitants of the outlying areas?—There will be difficulty in such cases in the border tracts where there is always an inter-mixture of different races. And then again there is the question that wherever there are zamindars and landlords their views are respected. In that respect I would rather refer you to the opinion of the Philip and Duff Commission who said that the tenants of the Paralakimedi and other zamindaris in Ganjam though mostly illiterate will be quite prepared to go along with their zamindars.

93. But if you share the views of the landlords, you will lose touch with the tenants?—But, sir, as the zamindars of Paralakimedi, Tekkali and Mandasa are keen and the non-Oriya tenants are indifferent as to where they go as long as they are with their zamindars; so also the tenants of Jeypur are desirous of being united and the zamindar is indifferent to it.

94. If you include a number of Telugu-speaking people, you must have a number of Telugu officials, Telugu schools, etc?—Not too much, sir. Certainly there are a few Telugus also. We do not want to include Chicacole and Narasanpeta where there is an admixture of Telugu and Oriya and a clear Telugu majority.

95. Supposing it is possible to have a separate province, have you any special preference as to what province you would like to come under?—No preference.

96. Would you attach yourselves to either Bengal, Bihar or Madras?—To any province so long as we are united.

97. But on the whole you would prefer to have a separate province?—Yes, on the whole we would prefer to be a separate province.

98. *Chairman* : As regards the statement in your document which you just now read that "A separate province is our ultimate goal," supposing it could not be obtained now you would still think it a great advantage if a change was made which united your area into a sub-province of some sort?—Yes, sir.

99. *Lord Burnham* : I would like to resume the question of the *Chairman* and ask you to define a little more clearly what you would be prepared to accept as part of your demand. When you talk of a sub-province, do you mean that you would be satisfied with a chief commissioner and, we will say, 50 per cent. scale of expenditure in regard to official equipment? Would you be satisfied with that?—As regards the question of a sub-province, of course we sought enlightenment from the Government, local and Imperial, while we were in the council, but we

could not be sufficiently enlightened as to the proper definition of the term "sub-province." We sought a definition from the Indian Government as to the real nature and meaning of a "sub-province"; we sought it as members of council by putting questions for explanation, but we could not get it. Our ideas are not very clear on the point. At any rate, we would rather like to put our own construction on it and have, as I understand it, a deputy governor with a legislative council and a minister. That will satisfy us for the present.

100. You use the phrase "Deputy Governor." That has not any very clear meaning to my mind, and I do not know whether there is such an officer in the organisation?—In pre-Reform days there were Lieutenant Governors.

*Lord Burnham* : Yes, I know . . .

*Sir Hari Singh Gour* : Under the Government of India Act a Deputy Governor will have to be under some Governor.

*Lord Burnham* : They have a different status although the Governor's title. But I am not sure what you mean by a Deputy Governor. Therefore it was that I put my question more precisely as to whether you would acquiesce in the appointment of a chief commissioner such as we have in some cases in India?

*Chairman* : A good instance, if I may suggest to him, is the case of Sind. We know that Sind has got its own special case, but as things are, though Sind is out of the presidency of Bombay, it is really for many purposes treated like a sub-province. It has got a chief commissioner.

*Lord Burnham* : He is called the Commissioner in Sind. "Commissioner is the distinctive title in Sind—" Commissioner-in-Sind."

*Chairman* : Again in Sind they have got a system of law courts which is separate from the system in Bombay. In a rather special way it is a kind of sub-province almost though of course it is not satisfactory in the view of many people who urge that Sind should be more completely separated.

101. *Lord Burnham* : Then what would be the figures of population that you contemplate being brought into this sub-province?—About 15 millions.

*Lord Burnham* : Then clearly it would be far below the numbers of any province of the Government.

102. *Major Atlee* : Fifteen millions? There are only 10 million Oriya-speaking people in the whole of the peninsula?—But there are other people who speak Dravidian languages, who are aborigines and are gradually adopting Oriya. They read in Oriya schools, and instruction is imparted to them in Oriya, and the court language is Oriya.

103. *Dr. Suhrawardy* : Do you include the Muham-madans?—No.

104. *Lord Burnham* : Could you read out the figures of the different people that you bring into this new province?—(The witness referred to the figures which will be found printed at page 565 of Vol. IV.)

*Lord Burnham* : The other figures worth giving are : Singhbhum district in Chota Nagpur.—There are 108,584 talking Bengali and 35,000 speaking Hindu.

Ganjam in the Madras Presidency : There are 573,332 speaking Telugu.

Ganjam Agency : There are 6,000 speaking Telugu.

Vizagapatam Agency : There are 170,260 speaking Telugu.

*Sir Hari Singh Gour* : We are not concerned with these agencies.

*Lord Burnham* : But these are the districts proposed to be amalgamated into a united Orissa.

105. *Sir Hari Singh Gour* : The agencies are separately managed. So, we are not concerned with agencies.—Not with Jeypur district proper. We are concerned with agencies where there is a large Oriya element.

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[Continued.]

*Lord Burnham* : The point is that there is a substantial number of people, nearly five millions, who are not Oriya-speaking.

*Chairman* : There is no doubt at all that the records show the figures Lord Burnham has been analysing and that these figures show an addition to the Oriya population of a substantial number of people speaking other languages. However, the question of the boundaries, the proposed boundaries of any Oriya-speaking district is one of the complicated details of any scheme.

*Lord Burnham* : As Major Attlee points out, I see these figures were given in the address presented to the Viceroy by the conference of 1917.

106. *Chairman* : There is a tendency for people to embrace in their own areas a little bit more than is really theirs, but I do not know whether the other people will agree.—In the Government of India's letter in 1904, Sir Herbert Risby (then Mr. Risby, himself an authority on ethnology, thus speaks of the aboriginal people in the centre of Singhbhum—"2,30,000 people speaking Munda language—it is believed that in course of time they would be speaking Oriya." He makes the same remarks regarding the Ganjam Agency tracts. They have no written language. They read the Oriya language, and the missionaries who mostly educate them have devised a romanised Oriya for them. They have no written script. They read romanised Oriya.

107. *Chairman* : This is exceedingly interesting from point of view. Do I understand you as you are speaking of there are some spoken languages, that are understood and spoken, but they have not got any written script of their own, and that as people become educated and require to be able to read and write they have to use some new script or language?—They use both the languages and read the Oriya language in the Roman script.

108. That is the ground on which you suggest that these Dravidian languages are dialects in essence and perhaps the Oriya language may be regarded as the master tongue?—Yes.

109. *Lord Burnham* : There is only one other question I want to ask, and that is in regard to the prospects of revenue in the new province. Of course we know that the land revenue is not fixed in Orissa. On page 37 of the Memorandum presented to us by this Government\* it is stated : "It would not be in accordance with the wishes of the legislative council nor would it be possible to exploit the land revenue of Orissa as a revenue producing head." Therefore evidently you cannot expect very much more revenue from that head, I understand?—From land, yes. Recently a settlement has been concluded. Land revenue is elastic.

110. It is stated here that no large appreciable incomes can be expected under this head. The Memorandum says : "In Orissa the land revenue is not fixed save in some fairly extensive estates and is at present under revision as the result of which it is expected to rise, roughly, from 21 to 26 lakhs a year. But these and a few less important revisions can only be effected at long intervals of 30 years and then only in accordance with strict rules"?—Yes.

111. Could you define for us exactly what methods you had in mind when you said that you were prepared to make financial sacrifices for this political purpose? The idea I had was that we could levy a pilgrim tax, or the development of a port which has already been explored might add to the economic betterment of the people. From that source we can get a little revenue. Then again if Ganjam is added from the salt industry in the sea coasts of Orissa we can get some revenue.

112. *Sir Hari Singh Gour* : "Salt" is Central.—Of course, but if there is an adjustment with the Central Government it may become provincial.

113. *Lord Burnham* : Are you working coal?—Yes, we work coal at Talchar. That is a Feudatory State.

114. Do you think you can get anything considerable out of coal?—Yes, that is the expert opinion that we hear. I cannot say for certain.

115. I am trying to help you to suggest some additional means of subsistence for this new province. Could you tell us what you could do?—We can tax coal and other minerals. If they are worked in the Feudatory States we can tax them in the process of transition through the British territory.

116. *Sir Hari Singh Gour* : I think the main object of your deputation is the reunion of all the Oriya-speaking tracts under one Government?—Yes.

117. The rest is all a detail. Your aspiration naturally runs towards that object?—Yes.

118. And you think that provincial autonomy will be secured by an arrangement with a main province which will give you autonomy within that province, by having, for instance, a legislative committee and your own members and ministers to run your own province. You will be satisfied with that?—Yes.

119. That would not increase the overhead charges of the Central Government?—No.

120. I think to that extent you modify your Memorandum, your demands. Now, I wish to point out to you the difficulty that we have in discussing about this separate province. If you have a separate province you cannot possibly go back to a bureaucratic form of government, say a chief commissioner-ship?—We do not like that.

121. You want with the rest of India responsible government, with ministerial responsibility in some form. You cannot be left behind. Therefore you must support a ministerial form of government. If you had a separate ministerial form of government under a Deputy Governor, the Deputy of course will be subordinate to some other Governor. Therefore if you have a separate Governor, you must have a separate establishment and a separate legislative council—a Governor, secretariat, executive councillors and ministers, in other words all the paraphernalia of a full-fledged government. So, as you are a poor province and you want to develop the nation-building departments you will be quite satisfied if you remain where you are and have inter-provincial autonomy of the nature I have described?—Yes.

122. *Chairman* : I wish you would just tell me, tell me in your own words, what it is you want me to understand from what has been said. What is it that you would be quite content with?—The amalgamation of the Oriya and placing them under one government, that government being a responsible government of the modern type. But if it is not practicable on financial grounds, then, they should be placed under another government, with a legislative committee or council as the case may be, a Deputy Governor, and a minister to administer the transferred subjects, if there be such a thing, for the Oriya-speaking tracts.

123. *Lord Burnham* : What do you mean by a legislative committee?

*Sir Hari Singh Gour* : Some of the leading members had a consultation with me and I think the general sense of what they really want—I think they are agreed upon it, though they may not be able to express themselves in very clear language—is autonomy by bringing them all together, with a legislative committee of the Oriya-speaking members who will be able to deal with the local needs and requirements, and a minister.

124. *Lord Burnham* : Do you mean, excuse my asking the question, a standing committee of the legislative council consisting of the Oriya-speaking members who are to deal with matters apart from the rest of the council?

*Sir Hari Singh Gour* : Yes. They have it in Berar. There they have a legislative committee to deal only with the Berar questions.

125. *Lord Burnham* : And these members will not be dealing with the other questions affecting Bihar?

*Sir Hari Singh Gour* : They will be members of the Bihar and Orissa legislative council.



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126. *Chairman* : Let us put it like this. We are sitting in this building, which is the building of the legislative council of Bihar and Orissa. When there is a meeting of the legislative council of Bihar and Orissa a certain number of members from Orissa come here. Now, under this suggestion those members coming from Orissa and sitting here will also go on to the Orissa committee or council which will meet either here or in Orissa from time to time. When they do so meet and form a committee what will be their legislative functions? What will they do?

Sir Hari Singh Gour : Certain amounts will be allocated to them, which they will spend.

127. *Chairman* : A lump sum will be allotted to Orissa which that committee will be responsible to deal with?

*Sir Hari Singh Gour* : Yes.

128. *Lord Burnham* : Would they also deal with the budget for Bihar as well ?

*Sir Hari Singh Gour :* Yes, they remain members of the Bihar and Orissa legislative council.

129. *Lord Burnham* : That is to say, they will not only remain as full members for the whole province but that they also will have separate powers in regard to Orissa?

*Sir Hari Singh Gour* : That is it.

**Lord Burnham :** May I suggest that there is a possibility of following the precedent set up in regard to the Scotch Grand Committee. They do not have full powers to deal with measures coming before Parliament; they consider them in their committee stage and they bring them back to the whole House.

*Sir Hari Singh Gour* : That is a matter of detail.

130. *Chairman* : It is very important to get the main idea. If I follow rightly, as the result of the discussion which you have been having, you think that these gentlemen, if there is a difficulty in creating a wholly separate province, will feel it is a good plan. In outline they say, "Very well, let there be one "legislative council for Bihar and Orissa, with one "Governor and one secretariat, but let the member "of Orissa have certain functions which they will "discharge as Orissa Committee." I just want to ask this question. So far as Orissa is concerned will the committee have legislative functions in respect of transferred subjects?

*Sir Hari Singh Gour* : They will not have legislative functions, but they will initiate legislation and the committee as a body will recommend it to the council.

131. *Chairman* : There will be in the element of the Government of Bihar and Orissa one of the ministers selected by the Governor who would be what we might call the Orissa minister ?

*Sir Hari Singh Gour* : Yes; he will represent the Oriva tract.

132. *Lord Burnham*: Will the Committee have power to deal with financial matters?

*Sir Hari Singh Gour* : It will have powers; there will be a grant and a sub-grant.

133. Lord Burnham: It means they will have a bloc vote.

*Sir Hari Singh Gour :* Yes.

134. *Chairman* : I am grateful to you, Sir ~~Francis~~ Singh Gour. I will now ask the deputation. You have followed the discussion that has gone on here just now. Do you think, sir, that if there was found to be overwhelming difficulties in the creation of a separate Oriya province, some scheme of the sort that has just been sketched out would be the scheme that your deputation will welcome?—At present I am not in a position to say “yes.” I would rather ask your permission to take some time so that we can present you with a sketch of the scheme we would be prepared to accept.

135. That seems to be a very reasonable request. You will understand of course that the Conference is not at all pronouncing an opinion that a separate province cannot be created. It is a very complicated question ; it must be looked at most closely.

many points of view and it shall be looked at carefully by all of us. But what I would like you to tell me is whether you think it will be worth while to consider more carefully the sketch of a scheme which Sir Hari Singh Gour has brought to our notice, and if you think it would be, it may be that your deputation would like to send in some supplementary memorandum and explain their views. I am not asking you to abandon or to give up your desire to have a wholly separate province, supposing it turned out that there were difficulties about that, then every one would like to know what is your deputation's view about the suggestion of a separate Orissa committee composed of the Orissa members with the powers which have been suggested. Let us know in due course what you think about that \* \* \*

Witness (Babu Braja Sumder Das) : Yes, sir.

136. *Chairman* : I think that is a good plan Raja sahib ?

*Raja of Kanika* : Yes, sir.

137. *Dr. Suhrawardy*: Would you kindly tell me what is the percentage of Muhammadans in your province?—About 3 per cent.

138. I was for the separation of Orissa from Bengal when I had the honour of representing the Mussalmans of Orissa in Bengal legislative council. That is why I am interested in the question. Are the Mussalmans of Orissa with you in your demand for a separate province?—Yes.

139. Is there any Muhammadan in your deputation today?—One, Khan Bahadur Abdul Majid, could not come.

140. In the event of a separate Oriya province being created, are you prepared to support the Muslim demand for separate electorate and effective representation in your province?—We have referred to this in our memorandum.

141. You have no objection to the Muslim demands for separate electorate and effective representation? No, so far as Orissa is concerned.

142. You have got no communal tension in Orissa? —No; Orissa is the only place where communal element is not to be found.

Maulvi Sayid Mubarak Ali Sahib: They are a very happy family there.

143. *Sardar Sinder Singh Uberoi*: I would like to know the particular disadvantages which the people of Orissa are suffering from due to the present administration for which they want a separate province of their own because I have not been able to find them in both the memoranda submitted by the deputation and by the Government. What are the particular disadvantages you are suffering from under the present administration?—For instance, educational disadvantages. In Madras, the Oris people have to read Telugu and Urdu, the Oris people in Sindhi have to read Hindi and Persian and the Oris in Central Provinces have to read Hindi and Urdu.

Bill. Orin has got a special interest in this.

145. There is no disadvantage to the Government of  
Ellis. I understand, so far as the Government is concerned  
—No.

145. What other disadvantages do you mention?  
 145-1-Administration. The Government and the educational institutions are in the center of the country, 600 miles off the center. The Government cannot pay the attention of the educational institutions to the diverted to reach such a distance.

147. Do I understand that the number of high schools is increasing and many of them are new?

148. Only the first  
a first grade school  
graduate grade school  
There is a first grade  
school in the town of  
Hartford, Conn. The  
school is a first grade  
school and is the only  
one of its kind in the  
state of Connecticut.



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[Continued.]

149. Supposing these institutions for higher education are provided in Orissa, then of course this want would be met?—Educational want would be met.

150. Any other point that you desire to state?—One thing I would like to point out in this connection is this. When Orissa was separated from Bengal and joined to Bihar as a separate province the first Governor who visited Orissa in a public announcement said that half the attention should be paid to Orissa. I put it to you, sir, to enquire and find out how much attention is paid to Orissa. In the Government service, in the High Court, in the university, in the secretariat, you will find only a handful of Oriyas, about twelve in number, who were retained when the province was created; and since then there have been only very few admissions.

151. Is there any statutory prohibition for the Oriya people to enter these institutions?—There is none.

152. It is only the distance which prevents these people to come and join these institutions?—Yes, it is distance and the attention of Government is diverted to those who are nearer to them; that is quite natural.

153. Have you not got sufficient representation on the legislative council here?—I cannot call it sufficient; of the 76 elected members we are only 10.

154. Is there any other disadvantage you are suffering from that you would like to tell the Conference?—In Midnapore in the census of 1891 the number of Oriyas was 5 lakhs; then in 1901 they became 2 lakhs; in 1911 they became 1,80,000 and in 1921 they became 1,40,000. So within 30 years they have come down from 5 lakhs to 1,40,000. They are not all dead; there was no epidemic. The thing is that they were all denationalised. They were made to read Bengali in the institutions, the court language was Bengali and so they were forced to use that language which paid them most.

155. *Sir Hari Singh Gour* : It comes to this, is it not, that it stands in the way of your national development?—Yes.

156. *Maulvi Saiyid Mubarak Ali Sahib* : I hope you will not misunderstand me when I put you a few questions. Let me make it plain that I am one with you in your aspirations. Are you aware that if the scheme sketched out by our friend Sir Hari Singh Gour is adopted, that is, for the appointment of a legislative committee, the Bihar members will have the same voice as they have now in all matters concerning Orissa that will come before the legislative council?—No. You know we have asked for time to consider the scheme.

157. Will you please tell me if all the Oriya-speaking tracts are amalgamated into one province, you will be prepared to make sacrifices and tax yourselves to pay your way?—I have already said that we would.

158. *Sir Hari Singh Gour* : To a certain extent?—Yes.

159. *Maulvi Saiyid Mubarak Ali Sahib* : Are you aware that your representatives in the legislative council have made constant efforts to have the present arrangement of land revenue annulled and to get them permanently settled?—Yes.

160. If this is going to be done there would be no possibility of expanding your land revenue?—There are other sources.

161. If the land is permanently settled, there will probably be no possibility of getting any increase from the land revenue?—I cannot say whether the incidence of land revenue has reached its limit in Orissa. Even if the rules allow it, I think it would be difficult on the part of the Government to tax further than a certain point. So far as the incidence of taxation is concerned, I can say this much that even if the incidence has been reached, there would be no harm in granting permanent settlement to Orissa.

162. I think I can take it that you are not keen in having your area permanently settled?—We are keen. We will find other avenues for taxation.

## Memorial by THE CATHOLIC BISHOP OF RANCHI.—Representing the Catholic Aborigines of Chota-Nagpur.

This memorial which we have the honour to lay before you, represents the wishes of the Catholic community of Chota-Nagpur.

This community numbers 155,000 members, all of them belong to the aboriginal races and are present at this time in Chota-Nagpur. The figure given above does not include the many thousands working as coolies in the tea gardens of the Doars and of Assam. These too are keenly interested in the preservation of their special land-laws as they intend returning to their own country. According to the Census of 1921, out of a natural population of 16 lakhs, three and a half lakhs of the inhabitants of the Ranchi District were then in the tea gardens. We estimate that at least 60,000 of them belong to our community.

For fifty years, the Catholic Mission has been working with undiminished energy and prudence among the aboriginals. The Missionaries have been living among their people, and in their constant desire for the uplift of these races have acquired an intimate knowledge of the mentality of the aboriginals and of the conditions under which they live, of the dangerous measures to be avoided and the safeguards to be provided and therefore, we can state unhesitatingly that all the aboriginals, animists as well as Christians, would be ready to endorse this petition.

In this petition we will develop the following three points :

First point.—Our experience of the conditions in Chota-Nagpur, makes it evident to us that it is of vital importance for the aboriginals that their land laws and customs should remain untouched whatever the measure of self-government granted to other parts of

India and that adequate safeguards should be provided lest these special laws be at the mercy of a non-aboriginal administration.

Second point.—It is altogether necessary to take such measures as will ensure that the help given up to now by the Government, to foster education among the aboriginals, be not diminished but rather increased.

Third point.—It is not enough to keep intact the land laws of the aboriginals. These laws should be administered to them by sympathetic officials intimately conversant with these laws and with the mentality of the people, who prefer personal government to lawcourts' decisions.

If these safeguards are granted there is not the least doubt that the aboriginals will respond to the care taken of them and fit themselves to take their place among the other races of India without any fear of being trodden down. Were these safeguards to be denied them, they would lose their lands and would soon be reduced to the level of outcasts and hewers of wood among the other races. Ray Bahadur Sarat Chandra Roy, resident in Ranchi, would be able to answer any questions in connection with these three points.

### EXPLANATION OF THE THREE POINTS OF THE MEMORIAL.

First Point.—The granting of responsible self-government may or may not be a distinct advantage to many of the peoples of India. To the aboriginal races (Oraons, Mundas, Kharias, etc.) it would be a distinct disadvantage.



These very satisfactory figures go far to show, and even to prove, that the aborigines are hastening to fit themselves to take their place among civilised races, yet once more be it said education does not at once bear its civilising fruit.

It might be thought that the great number of schools and pupils in Chota-Nagpur is to be ascribed in a great measure to some quite special help given by government. This is not the case for however much the Government wished to assist the aborigines, other factors had to be considered, and these factors have prevented the beneficent action of the Government in such a way that the Chota-Nagpurians do not obtain their fair share of educational grants. Indeed, were it not for the assistance so generously given by the missionary bodies, the above given figures would have to be changed and greatly diminished.

We have shown that the aborigines manifest a real readiness to avail themselves of any educational facilities offered to them, we have shown the great need they have of education to preserve their community from disruption and annihilation; and therefore it appears evident that they have a special claim to the continued sympathy and liberal help of Government. Under the new conditions, after the granting of a new measure of self-government to India, if Chota-Nagpur remains joined to Behar and Orissa, the aborigines will in vain look for that sympathy from the legislative bodies. The past shows clearly that little support can be hoped for, in the Legislative Council for any measure benefiting education in Chota-Nagpur.

*Third Point : The Administration of the law.*—Up to this, we have explained that the aborigines require protection and have a right to claim it. Then in the second point, we have proved that, considering their desire for education, we may safely affirm they will amply profit by that protection to raise themselves. We wish now to point out that their mentality is such as will respond readily to "personal" government, but will be unable to adapt itself to a mechanical and complicated way of administering the law.

Education is of recent growth in Chota-Nagpur, hence it has not yet leavened the mass of the people. They are not yet able to understand the, to them, complicated machinery of the courts and therefore the present system of administering the law is often detrimental to their best interests. Hence also, they distrust the law-courts. Three reasons may be assigned for this :—

First : the technicalities of the courts are mysteries to them;

Second : the magistrates are sometimes imperfectly acquainted with the customary law as embodied in the Chota-Nagpur Tenancy Act;

Third : the law-courts do not always give full justice to the aborigines and help to undermine their moral character.

We add a few words, by way of explanation to each of the above three points.

First point : Their ignorance of the forms of law and procedure leads them to damage their case, often too, they do not grasp the meaning and purport of the questions put to them and their answers therefore appear to be insincere. The rules regulating evidence are too complex for them and in fact when their case rests mainly on oral evidence, they have hardly any hope of proving their right.

Second point : It is only natural that an officer who had his training outside Chota-Nagpur should find it rather difficult to grasp the full meaning of the privileges and customs of the aborigines. Of course this want of knowledge has its influence on the decision.

We do not ask that an officer trained in Chota-Nagpur should always remain in that country as his training does not make him unfit to serve elsewhere. But we would propose that all officers to be employed

in Chota-Nagpur, should be required to begin their career in that area.

Third point : The unexpected decisions sometimes given by the courts, have led the aborigines to think of a lawsuit as of a trial of wits in a pejorative sense. So that, out of fear and distrust, they will often rather lie than say the truth. They go so far as to say that a lawsuit is a fight irrespective of justice. If then by lying they can obtain what is not rightfully their own, "*well, the Sarkar has given it to them and therefore everything is for the best.*"

It is hardly necessary to point out that this must be grievously harmful to their character and that the causes of the low opinion they have of the lawcourts should be removed as adequately as possible. Litigation is not as prevalent here as in Behar. Recourse to litigation is not to be encouraged but measures might be taken to prevent the lawcourts to sap their honesty and truthfulness. These aborigines are fundamentally more simple and also more truthful than many other races. Among them debts are acknowledged even after a considerable number of years. Limitation is a concept alien to them. Now the law has introduced the limitation of three years for ordinary debts. The aborigines understand this to mean that after three years of non-payment, the debt is annulled, with the consequence that some aborigines make an abuse of the law of limitation : they mortgage their land, intending to use the law of limitation to escape repaying the mortgage money, whilst resuming their land with the help of the magistrate. This evil is very widespread and consequently confidence is on the wane between aborigines.

To secure better justice, it seems then to be not only desirable but even of the utmost importance, that many cases should be tried informally, without lawyer, by the magistrate whilst on tour, in the village itself. These magistrates, trained as we said above, in Chota-Nagpur and consequently knowing the customs and mentality of the people, would be in a far better position to come to a just decision. Again, their sentence would be accepted willingly by the aborigines as they prefer personal government by sympathetic officials, to government by lawcourts. Mr. J. D. Sifton, I.C.S. expressed the same idea : "for advanced areas, for advanced races, Government is a system of rules, procedure, parliament and councils with a hierarchy of lawyers who interpret and control the mysteries regarding it. For backward areas and for backward races, Government is a person and not a system." (Behar and Orissa Legislative Council 18th February 1927.)

We may resume in a few words, the several points of this memorial as follows :

The aboriginal races of Chota-Nagpur require the continued protection of the Civil Service to save them from losing the lands they now cultivate and from the danger of being brought down to the degraded condition which is the lot of the Kamias or serfs of Palamau and Hazaribagh, who are themselves the semi-hinduized remnants of former land-owning tribes.

They need that paternal protection also, to enable them to rise to a higher degree of culture.

That such a protection will produce its full fruit is abundantly shown by what has been said above about their desire for education and about the efforts they are making for their self improvement.

Such a protection will be most beneficial to them if it includes a simple way of administering the law by sympathetic officials trained in Chota-Nagpur.

Therefore we are ready to welcome any proposal which will efficiently safeguard their special land laws and customs, promote education among them and give them a simple and paternal way of settling their disputes.

LOUIS VAN HOECK,  
Catholic Bishop of Ranchi.

**Memorandum submitted by Rev. KENNETH KENNEDY, Bishop of Chota-Nagpur.**

It has been represented to me that instead of presenting to the Statutory Commission a separate memorial in the name of the Anglican Missionaries and the Aboriginal Inhabitants of Chota Nagpur, among whom the S.P.G. Mission has been working for 60 years, it would be better, in view of the great similarity in the points put forward by the leaders of the Anglican Community with those dealt with by the memorial of the Roman Catholic Mission, to submit to the Commission an endorsement of what has been presented by the Bishop of Ranchi. The two Missions work largely in the same districts, and inevitably their experience to a great extent coincides. Merely to repeat what has already been said seems to be an unjustifiable waste of time of the Commission.

I may therefore briefly say that the three points emphasized by the Bishop of Ranchi are exactly what we had agreed, out of an even longer experience of the Aboriginal people of Chota Nagpur, to be of primary necessity for their well-being: viz. :—

(1) The retention, and protection from unsympathetic alteration, of the tribal land laws and customs of these people ;

(2) The continuance of special help to foster education among them ;

(3) The importance of having officials who will be guided by intimate knowledge of the peculiarities of the people and their hereditary customs, rather than by a desire to administer any code or system of government which, however excellent in itself, is wholly foreign to Aboriginal ideas.

My personal knowledge of Chota Nagpur, extending over 37 years, enables me to recall repeated occasions when the attempt to apply laws and customs in force among the non-aboriginal inhabitants of other parts of India has led to widespread discontent, amounting in the year 1900 to armed resistance. The experience gained by the results of these attempts has been embodied in the special laws and administration which have for the last twenty years brought peace and prosperity, with steady advance in education and self-respect, to the people of Chota Nagpur.

I and two other members of our Community have successively sat as representatives of the Aborigines in the Legislative Council of Bihar and Orissa since its establishment, and we are able to appreciate the probable effect on the interests of these people of giving unreserved control over them to any body whose sympathies are principally, and naturally, with those classes of the community whom the Aborigines look upon as their hereditary enemies, viz., the Hindu and Mohammedan immigrants who have used their superior intelligence, and the facilities afforded by the land laws before their modification, to oust the simple people who had reclaimed by their industry all the cultivated land of Chota Nagpur from jungle. Almost more to be dreaded are legislators who, for the sake of uniformity in this vast country, would ignore the peculiarities of the comparatively small, but actually large, aboriginal population—a population approximately equal to that of the Irish Free State.

I present this as representing the considered opinion of the entire S.P.G. Anglican Mission working in every District in Chota Nagpur.

**Memorandum submitted by The BISHOP OF CALCUTTA and METROPOLITAN OF INDIA, BURMA AND CEYLON.**

Having spent fourteen years in the Chota Nagpur Division of the Province of Bihar and Orissa, as Bishop of the Diocese of Chota Nagpur, during which time a large portion of each year was spent in touring through the villages, and having, in addition, from July, 1915, till leaving the Diocese in July 1919, taken charge, at the request of the Government, of some 300 schools controlled by the Gossner Mission, I desire to endorse the representatives made by the Bishop of Ranchi on behalf of the Roman Catholic Mission, and by the Bishop of Chota Nagpur on behalf of the Anglican Mission in that Division.

Having during the nine years since my translation to the See of Calcutta frequently toured through that portion of the Santhal Parganahs in which the Church Missionary Society has been working, I

further desire to endorse the first four proposals embodied in a Memorandum placed before the Honourable Members of the Statutory Commission by the Rev. T. Lenman on behalf of Missionaries, leading Santhals and others who have identified themselves with the uplift of the Santhal people.

In my experience of 23 years I have seldom met an Indian, who was not himself an aboriginal, who took any real interest in the development of these attractive but backward peoples, but I have had bitter experience of the way in which such men have taken advantage of the simplicity or weakness of the aborigines to deprive them of the land which their ancestors had won from the jungle by strenuous labour.

**Memorandum submitted by the CHOTA-NAGPUR IMPROVEMENT SOCIETY.**

In response to the invitation from the Indian Statutory Commission to submit memoranda, the Chotanagpur Improvement Society, representing the principal aboriginal peoples of Chotanagpur, which number about 20,00,000, humbly begs to submit the following :—

With a view to the right understanding of the standpoint of the aborigines of Chotanagpur, the Chotanagpur Improvement Society deems it necessary to narrate at the outset a short history containing the sufferings, feelings and thoughts of the aborigines who till now are smarting under a sense of injustice and unfair treatment meted out to them from time immemorial.

Our country, known as Chotanagpur, now within the province of Bihar and Orissa, inhabited mostly by the aboriginal race, was very little known until quite recently, when the summer seat of the new province was set up at Ranchi. We the aborigines are a people who are very backward in everything intellectually, politically and otherwise in comparison with the rest of the people of this province. It is a well-known fact that this central tableland now known as Chotanagpur was full of dense forests, the abode of wild animals. In those days when the modern instruments of government were unknown, it was dangerous to clear the ground and settle down. However, braving these dangers of the primitive

## MEMORANDUM BY THE CHOTA-NAGPUR IMPROVEMENT SOCIETY.

(Continued.)

fore-fathers, our forefathers cleared the jungles, levelled the grounds and prepared fertile lands and established villages in the hearts of dense forests. Thus our forefathers became the first settlers of this land. The wild land of Chotanagpur has been turned, so far as possible, into a beautiful garden by the aborigines of Chotanagpur, our ancestors, by the sweat of their brow and at the sacrifice of numerous lives.

Since the beginning of the British rule in this part of India the authorities would appear to have ignored the fact that it is the ancestors of the aboriginal population of Chotanagpur who first cleared the primeval forest, brought the virgin soil under cultivation, established the first settlements and made smiling villages spring up all over the country which they then owned by right of prior occupation.

It was not until the early years of the British rule that the systematic campaign against our ancient rights was undertaken by alien "landlords" constituted by the British Government over the heads of the aboriginal peasant proprietors, and the times, which were out of joint, greatly favoured them. The early British administrators, then ignorant of the real history of land-tenures in Chotanagpur and misled by interested information and supposed analogy with really dissimilar things in other parts of Bengal and Bihar, came to recognise the Chotanagpur Raja and "Zemindars" as proprietors of the soil like Bengal or Bihar Zemindars; and from their initial and in-heral error sprang erroneous decisions of courts and acts of legislatures in the shape of inequitable land laws and tenancy laws which have since played havoc with the ancient rights and status of the aborigines of Chotanagpur, thereby giving rise to a chronic state of discontent.

Agree have passed and long years have gone by and the aborigines of Chotanagpur are still left in a state of deplorable backwardness. The aborigines of Chotanagpur form a separate people by themselves. They are really different in custom, manners, language and religion from their non-aboriginal neighbours of the surrounding Divisions. Chotanagpur presents a surprising contrast in respect of social organisation and intellectual attainment to the rest of the province. In the keen economic competition and struggle for existence the aborigines lag far behind their non-aboriginal neighbours who naturally defeat the aborigines in the struggle, consequently the general progress of Chotanagpur has been very much retarded.

Since the time when Chotanagpur was separated from the Province of Bengal Chotanagpur is not at all free from the encroachment of outsiders who naturally look upon the aborigines of Chotanagpur as outcasts and untouchables. Such treatment meted out by the non-aboriginal element to the aborigines is a constant source of trouble to the aborigines and has been a fruitful cause of chronic unrest and discontent and occasional risings among the aborigines of Chotanagpur. Moreover, it is impossible for the Government to pay sufficient attention to the uplift of the neglected aborigines in preference to the other elements of the population who naturally mind their own interests more than anybody else's. In fact the aborigines feel that they are at the present even more neglected than when they were under Bengal Government. Even the name of Chotanagpur has been omitted in the title of this new province which is most regrettable. The members of the Legislative Council of Bihar and Orissa, with the exception of a chosen few, cannot enter into or voice the sentiments of the aborigines whose ways, manners, customs and temperaments radically differ from those of the people inhabiting both Bihar and Orissa.

The deepest wound in the heart of the aborigine has been the one caused by alien ideas of land tenures introduced into Chotanagpur by British Laws. The Village organisations among the aborigines in the good old days had been the very type of democracy

but at present that system has deteriorated through want of encouragement and even actual discouragement by the current laws. The aboriginal principle had been the village for the villagers. To-day the principle of village system is that the village belongs to the Chief and his Lieutenants, the tyrannical so-called Zemindars in Chotanagpur. These are mostly non-aboriginals brought in by the Chief from outside Chotanagpur against the wishes of the people.

Before the arrival of these Zemindars, according to the then village system, the lands were of one description forming the common stock of agricultural lands of the village community. Since the introduction of the Zemindars the lands of the village have been divided into two classes, viz., the *Majhias* and *Rajhans*. This division was made to reduce the aborigines, the real children of the soil, to mere serfs. According to this division the *majhia* lands (generally the best lands of a village) were those usurped by the Zemindars and taken in their direct possession and the *Rajhans* lands also came to be supposed to be the chief's or "landlord's" and "permitted" by him to be cultivated by the villagers on payment of rents generally determined by the chief's lieutenants. Thus the original aboriginal clearers of the soil have nothing left to call really their own. This unjust action of dispossession of lands by the chief and his lieutenants in dividing it up into two classes was never accepted and recognised by the aborigines. It is only after the so-called "Bhuinhari Settlement" that the aborigines were compelled to recognise the action by force of law which in vesting the *Rajhans* and *Majhias* right on the chief and his lieutenants respectively portioned out a meagre share for the aborigines in the form of *Bhuinhari* and *Khuntketti* lands. At present, to all intents and purposes, the aboriginal people are serfs and the village organisation is "feudalistic." The Chotanagpur Tenancy Act has only confirmed these unjust divisions of lands and aggravated the life-long grievances of the aborigines. On the one hand, the people have been ousted from their own lands and, on the other hand, owing to the neglect of the "landlords" to do their duty to their "tenants," and also from natural causes, the lands of Chotanagpur have become deteriorated and the produce has become woefully reduced within recent years.

In the opinion of the Chotanagpur Improvement Society there will be no peace in Chotanagpur as long as the artificial distinction between the *Rajhans* and *Majhias* and *Bakast* lands is not done away with and all such lands not brought into the common stock of *rai-yati* lands of the village. Under the present condition there is bound to exist a perpetual party feeling between the chief and his numerous lieutenants on the one side, and the aborigines on the other. Government do not appear to have ever realised the gravity of the situation. No Government separating these two parties will be a democratic and responsible Government.

The Chotanagpur Improvement Society wants reconciliation and peace in Chotanagpur and therefore begs to make the following proposals:—

(1) That the system of *Rajhans* and *Majhias* lands be abolished from Chotanagpur.

(2) That the rights and interests of these lands be vested in the village communities which shall deal with them respecting such provisions in the Chotanagpur Tenancy Act which specially safeguard aboriginal interests and that the rights of use for necessary domestic, agricultural and house-building purposes in jungles and grazing rights in *gairmajruwa* lands be freely granted to all tenants under the supervision and controlling power of the village corporations.

(3) That each village should have its own corporation for self-government in civil matters and judicial panchayats in certain matters and executive body in dealing with village lands.

(4) That the Chotanagpur Tenancy Act be amended in accordance with the principles contained in the above three proposals.

(5) That a less complicated system of laws and administration of justice may be introduced so as to suit the simple habits and limited intellect of the aborigines.

(6) That the aboriginal areas of the province, namely Chotanagpur together with the Santal Parganas and the District of Sambalpur, be formed into a separate Province or Sub-Province with a more direct and paternal form of administration.

(7) That if this is considered feasible, as indeed it should be if the aborigines are to be saved from ruin, the Governor of the new aboriginal Province or Sub-Province, as the case may be, may have a Council of his own, composed of members elected one from each thana area or at any rate three or four from each subdivision.

(8) That an Aboriginal Regiment be maintained at Ranchi manned and staffed purely by the aborigines.

#### BASIS OF FRANCHISE.

(1) That the franchise be extended to every male member of the age of 18 of all the Bhuinhar and Khuntkatidar families of Chotanagpur and to every other tenant paying a rent of Rs. 5/- a year and to every male aboriginal of age who has read up to the Lower Primary Standard at any recognised school.

(2) That if it be decided to constitute the aboriginal tracts into a Sub-Province with a Legislative Council of its own, under the Behar Government, at least four seats be reserved for the representatives of aborigines in the Bihar and Orissa Council, and that such members be elected by the aborigines themselves.

(3) That in either case one seat be reserved in the Legislative Assembly for a representative of the aborigines from each aboriginal district.

The Legislative Council electoral roll of 1923 for the Ranchi district was very disappointing, for the method adopted in preparing the Council electoral roll for the said district has done a great injustice to the rural population. In the said district the number of voters in 1920-21 was 7,414, whereas in the year 1923 it has been reduced to 6,653. Thus a fairly large number of voters found no place in the list of 1923. The method adopted in preparing electoral rolls, as we aborigines can make out, is that officers consult the Khattian prepared years ago and go to various thanas, and make enquiries from the village chowkidars, thanadars and chowkidari Tahsildars as to the names of persons who are eligible as voters and then the list thus made is hung up in the thana. Thus the major part of the population, who are illiterate, receive no proper information as to the publication of draft list and if they know of it they could take no steps. The publication of the list in the thanas is of no use to the illiterate villagers and thus as far as the aborigines are concerned, the correction of the list cannot be effected in this way. The method employed in preparing the electoral roll should be that responsible officers should be sent to each village and that the village headman (Munda, Mahto, Pahan or Jeth raiyat) instead of the village chowkidars be utilised for helping the officers in preparing the lists and that the draft publication be read out in the presence of the assembled villagers and claims and objections be received orally then and there or, if made later, in writing to the officers concerned.

Many voters cannot register their votes in some polling stations, the time limit fixed for registering votes being very short. Some polling stations are located at a distance of 30 to 35 miles from the villages. In a district like Ranchi, where the means of communication are not convenient, voters have to come from a distance of 30 to 35 miles on foot. All elections in this district should take place between the months of November to May.

Franchise to vote in the Self-Governing bodies may be more extended. For D. B. elections the

following classes of persons be included in the list of voters:—

(a) Every male member of age of the families of Mundari, Khunt, Katidars and Bhuinhars.

(b) Aboriginal raiyats who pay a minimum rent of Rs. 5/- or 2a. 6p. as cess per year.

(c) Every male aboriginal of the age of 18 holding a Lower Primary Examination Certificate from any recognised School.

#### PROPOSAL FOR DIVISION OF EXISTING PROVINCES.

Little heed is paid to the needs of Chotanagpur and Chotanagpuris by those responsible for the welfare of the Behar and Orissa province. Even resolutions moved in the Legislative Council of Bihar and Orissa by our chosen representative for the establishment of educational institutions or other improvements in Chotanagpur do not find favour with most members from other parts of the province. The aborigines of Chotanagpur keenly feel that so long as this division remains tacked on to B. and O. and is not provided with a separate administration of its own, together with other aboriginal tracts of the province, the material and intellectual progress of Chotanagpuris will hardly receive the impetus it badly requires, and backward Chotanagpur will helplessly look on while its ever-increasing revenues will go to feed and develop other Divisions of the province. And yet no other Division of the province is half so backward or stands in half as much need of all available revenues for its economic and intellectual development as this hitherto neglected Division.

For the purposes of good administration Chotanagpur should be given its own special administration with its special laws, objective and substantive, special executive officers and specialised judiciary, and pursuing a steady policy of filling up in time all posts under Government in Chotanagpur with suitable aboriginal candidates, just as a similar policy is being pursued in other provinces. No measure appears to us, however, better calculated to conduce to our welfare than the formation of Chotanagpur with the aboriginal tracts of Orissa, the Santal Parganas and perhaps the Central Provinces into a separate administrative unit with its own administrative head and a council of its own. So long as this Division is tacked on to more advanced areas, its people will ever be neglected and pressed down and they will ever remain unfit for effective Self Government.

It may be added that the Chotanagpur Improvement Society, representing the entire aboriginal population of the Ranchi District, cannot too strongly emphasise the necessity of giving the aboriginal tracts a separate administration of their own with its own Legislative Council and its own elected Ministers. So long as the administrative unit is not composed of a more or less homogeneous population, the position of the backward aboriginal tracts, if attached to more advanced tracts, will be like that of the friendship of the dwarf with the giant in which the dwarf is sure to go to the wall. We Chotanagpuris are painfully conscious of the fact that, ever since the constitution of the "reformed" Councils, Chotanagpuris have been receiving much less consideration or even attention than they used to receive in "pre-Reform" days. If the Feudatory States of Orissa, which are mostly inhabited by aboriginal population, and the Khondmals are joined together with Chota Nagpur and the Santal Parganas, there will be one homogeneous Province under a suitable form of administration, and the Governor or Chief Commissioner, as the case may be, of this aboriginal Province may also act as the Political Agent of the Orissa Feudatory States, thus saving the pay of a separate Political Agent.

#### LAW AND JUDICIARY.

We keenly feel the unsuitability of the present administrative and complicated judicial system to

## MEMORANDUM BY THE CHOTA-NAGPUR IMPROVEMENT SOCIETY.

[Continued.]

the simple aborigines of this Division. No one with a knowledge of the country and its people can shut his eyes to the great mischief that has been done and is still being done by throwing the aboriginal people into the melting pot of one common administrative and judicial system and common laws with their more advanced fellow subjects, and the urgent necessity of introducing a simpler system. There can be no gainsaying the fact that no measure will contribute to the rescue of the aboriginal people of Chotanagpur from economic and moral ruin so much as special laws and a special administrative system less cumbrous than those now obtaining. The present lack of familiarity of our own courts and officers with our language and customs, combined with the aborigines' lack of comprehension of the complicated laws of Procedure and Evidence and Limitation and the like, has been and is still a fruitful source of miscarriage of justice and consequent discontent amongst the aborigines of Chotanagpur.

It was under the present system of administering justice that our rights were swept away, giving rise to what are called "vested" rights and interests in favour of alien "Zemindars." The present system of laws and administration of justice affords but little protection to the aborigines and their rights in these and other matters. Our Executive and Judicial officers, for the most part ignorant of the history of our land tenures, afford us but meagre protection. And to add to our misfortunes, Executive and Judicial officers who are from time to time transferred to this Division are transferred to other parts of the Province even before they acquire a sufficient working knowledge of its peculiar customs and land tenures and languages. The proposed Panchayat courts under the Village Administration Act are indeed calculated to go a little way in improving the administration of justice in so far as petty cases and particularly cases among the aborigines are concerned; but in the much larger number of cases that arise between us on the one hand and the Zemindars and Mahajans on the other, we aborigines are placed at an almost hopeless disadvantage by the present machinery of administering justice with its cumbrous procedure and its subtle laws of evidence and pleadings which are beyond the comprehension of the ignorant aborigines, and its system of pleading through lawyers which is ruinously expensive for us.

## GROWTH OF EDUCATION.

Little heed is paid to the growth of Education in this part of the province. The authorities seem to forget that the aborigines are unlike their neighbours who have a civilization of thousands of years behind them. The policy that is pursued, being the same for aborigines and non-aborigines, is quite unsuitable to this Division. The kind of education afforded to the Bengalis, Beharis and Oriyas is quite unsuitable for the aborigines of Chotanagpur. Consequently the education that is now provided is of little practical utility to an aboriginal and this may account for the apathy which is at present shown to education by an aboriginal.

The Chotanagpur Improvement Society makes the following recommendations for the growth of education among the aborigines of this province:—

(a) That Compulsory Primary Education be introduced. That the education at the primary

stage be imparted through the medium of languages spoken in the area.

(b) That a board consisting of aboriginal members be maintained to conduct and look after the education of the aborigines.

(c) All Inspecting Officers in the aboriginal area be selected from among aboriginal candidates; and under no circumstances should non-aboriginal Inspecting Officers be appointed to hold charge.

(d) That recurring grants be made both from the provincial as well as the central exchequers for the education of aborigines.

(e) Special facilities may be afforded to the aborigines for University Education. At least one aboriginal student be granted state-scholarship every year to pursue higher studies in foreign lands.

(f) That a Government Degree College in Arts and Science be forthwith established at Ranchi. Our representative in the local Legislative Council moved a resolution to that effect in the council, but failing in his attempt to secure this, he moved again for the establishment of at least one Intermediate College in Arts and Science; but government did not think fit to grant even that modest demand, although lacs and lacs of rupees are being lavished over Colleges at Patna where (in the Science College) provision has been made very much in excess of the demand. In Chotanagpur, on the other hand, a travesty of an I. A. College has been set up without a building of its own and without sufficient choice of optional subjects suited to the capacities of aboriginal students. Now that, in spite of manifold disadvantages, the I. A. classes at Ranchi have justified their existence, Government should no longer put off the establishment of a Degree College in Arts and Science at Ranchi. Such a college should specially look to the needs of the aboriginal students. In the existing I. A. classes, for want of proper optional subjects suitable for aboriginal students, most aboriginal students cannot take their admission as no arrangements exist for teaching such optional subjects as Geography, Elementary Science, Botany, etc., which are more suitable to them than Mathematics or Sanskrit, which are of little practical value for them.

(g) That there should be aboriginal members to represent the aboriginal interest in the Senate and Syndicate at the Patna University.

(Rev.) JOEL LAKRA.	DAVID DAN FRANCIS
(Ray Sahib) BANDI RAM.	KACHCHHAP.
(Rev.) GABRIEL HEMROM.	EMIL KERKETTA.
DAUD KACHCHHAP.	PRADHUSAHAY SUREN.
JONAS SUREN.	JAIMASHI EKKA.
MAHALI URAON.	SUKRA URAON.
BHANDRA URAON	CHRIST PAL KACHCHHAP.
PETER HURAD.	JOHN EMMANUEL NAG.

Officers and Members of the Executive of the Chota Nagpur Improvement Society, Ranchi.

**Memorandum submitted by Rev. T. LENMAN, M.L.C., embodying the Opinion of Missionaries, Representative Santals, and other non-Officials, regarding the Administration of the Santal Parganas District in the Province of Bihar and Orissa.**

The Santal Parganas is a non-Regulation District containing about three-quarters of a million Santals and other aborigines along with a very large semi-aboriginal population.

The special Regulations in force in this District, which in its present form dates from just after the Santal Rebellion of 1854, owe their origin to Sir George Campbell, Lieut.-Governor of Bengal, who in 1873 or thereabouts, issued certain Rules for the administration of the Santal Parganas District, rules which are still valid and excellent, and which were intended to protect the Santals, a simple race of aborigines, from the oppression of their more sophisticated neighbours. The Santal Rebellion itself was solely due to such oppression.

The District is a large one, containing six Sub-divisions, some of which contain a much larger Santal element than the others. Also, the Government Estate of the Damin-i-koh, which is situated in part of the four sub-divisions of Dumka, Godda, Rajmahal and Pakaur, contains a preponderating aboriginal population, Hindus and Mahomedans, generally termed "Dikkus," being for the most part, segregated in "Bazars." As regards the non-Damin area, the Dikkus have in many cases followed, and frequently ousted, the Santals who reclaimed the land and brought it under cultivation.

The whole of the Damin and the sub-divisions of Dumka and Jamtara (except the towns of Dumka and Jamtara) are non-Police tracts, police jurisdiction being vested in Santal Headmen, known as Parganaits within the Damin Estate, and as Sardars outside the Damin. Their powers approximate to those of a sub-inspector of Police. It is an economical system, and one suited to the genius of the aboriginal races, and it might be considerably extended not only within this District, but also to others where such races are found in large numbers.

The principal features of the non-Regulation system are:—

1. Special rules regulating the criminal and civil procedure of the Courts, designed to simplify and cheapen the administration of justice.

2. A Tenancy system which is intended to discourage the transfer and alienation of lands. Within the Damin Estate the rules are strictly opposed to transfer of any kind. Outside the Damin Estate, in certain areas, lands are transferable or saleable under certain conditions.

3. A very large measure of autonomy in village and police administration in the Damin and non-Police tracts.

4. Usury Laws regulating the rate of interest payable on loans. The amount of interest must not exceed the amount of the loan. This rule is constantly evaded owing to the illiteracy and improvidence of the aborigines.

In recent years there has been much agitation on the part of interested persons, zemindars, money-lenders, and lawyers especially, to have this system abolished and the District brought into line with other "Regulation" Districts. This agitation has been carried up to the Legislative Assembly at Delhi, and to the Legislative Council at Patna, and both these bodies have passed motions in favour of the change. The debates in both cases were not conspicuous for any very intelligent understanding of the system itself, or of the issues involved in the proposed change of administration.

We are of the opinion that this agitation has been deliberately engineered by those who have everything to gain by the exploitation of the Santals, that the agitators represent nobody but themselves, and that the Santals, and probably the bulk of the general

population other than Santals, are strongly opposed to any such change, knowing that they have little to gain and a very great deal to lose by it. Common experience goes to prove, that, even under present conditions, wherever a landlord can find a loop-hole or a way to evade the rules, he is merciless to the Santal tenant. The latter if he goes to law must perforce employ a pleader if he is to overcome the argument of the longer purse, and to do this he must, in most cases, have recourse to the money-lender. By the time all three have finished with him he is generally worse off than he was before. This experience is a very common one, especially in the Regulation Districts, and in Bengal the local Government has had to introduce special tenancy regulations to protect the interests of Santals in those districts where they are found in large numbers.

We are emphatically of the opinion that the non-Regulation system should be retained for some long time to come. Its advantages are very great and we think that its retention is an absolute necessity if the Santals are not to be driven out of the District altogether. At present the Santals are a contented, law-abiding, loyal people, confident in the good-will and the ability of the Government to protect them. If this protection is removed, then instead of their being, as they are, an asset to the Government, there is a very real danger of their becoming a serious and troublesome political problem.

If it is asserted that the Santals are, numerically a minority of the population of the District, we would reply that these are days when minorities are generally recognised to have definite political rights, and we are fairly certain that such rights as the Santals at present enjoy would soon cease to exist altogether were Government protection to be removed. In other Districts where there is no such protection and the Santals have come under the influence of the Hindu population the result has been pitiable. They have greatly deteriorated, adopting from their neighbours only what is bad and grotesque, while at the same time they are being continually ousted from lands which they have brought under cultivation, by being rack-rented and oppressed in other ways by Hindu landlords. In the Santal Parganas, if the protection should cease, and the Santals, as we believe, be no longer able to sustain themselves in their old homes or to find new ones elsewhere, it would not be long before they would succumb to the political agitator who would, in that case, find in them material after his own heart, and they would become a serious problem to the Government.

Further, the great majority of the non-Santal population of the District are to a large extent just as greatly in need of protection as the Santals are. It is essentially a backward district, and the semi-aboriginal population is very considerable. It will be a long time before these latter are capable of self-dependence.

We appreciate the force of the assertion which is sometimes made by those who dislike the system, that protection of a backward race tends to destroy self-dependence and renders the protected races effete and lacking in political stamina. We agree that protection in itself is not the ideal form of government, but in this particular instance the Santals are so seriously handicapped *vis-a-vis* their Hindu neighbours that we are strongly of the opinion that they would be in every way the worse and not the better for the removal of any of the restrictions which at present enable them to exist at all in the District. In so far as they are to-day a healthy and thriving race they are mainly so because of the protection they have received. Without it we believe that their numbers would be very much smaller and they would be a down-trodden community.



MEMORANDUM BY REV. T. LENMAN, M.L.C.

[Continued.]

We do not assert that protection by itself is sufficient to create stamina in a backward people. Nor do we claim that the non-Regulation system has succeeded to the extent intended by the Government. We believe that, generally speaking, Government officials who are intimate with the District would endorse this. In certain directions, in details of administration it is capable of improvement, but in essentials, and in basic principles, it is, we are confident, the only system which is suitable to the district and people. It might even, with very great benefit, be extended to adjacent districts also. We believe that the administration can be improved in certain details and we are preparing to submit proposals to the Government of Bihar and Orissa for such improvements as we believe will steadily contribute to the growth of self-dependence and to the general uplift and advancement, socially and politically of the aboriginal races in this district and adjacent areas. It is, we are sure, no less the desire of Government than it is our own, that the people themselves should desire, when they are able to fend for themselves, to be emancipated from Governmental leading strings.

We do not wish to burden the Statutory Commission with mere details of administration which fall within the competence of the local Government. We would only stress the importance of retaining the present system of government in the Santal Parganas in the interests of the people most closely concerned, and in this recommendation we believe we have the entire support not only of every non-official who knows anything at all about the District, but also of the whole Santal population, and of most of the Government officials who have had practical experience of the system of administration. Our proposals are as follows:—

1. That the Santal Parganas continue to be regarded as a Backward District for the purposes of administration.

2. That it be governed by Regulations passed executively by the Local Government with the approval of the Central Government, and that its administration be excluded, for the present, from the purview of the Provincial Legislative Council. This Council has hitherto shown very little regard for the interests of the aborigines of the Province, and the latter have little to hope for from the various political parties of the country as these at present exist.

3. That with a view to the steady development of racial self-dependence of the aborigines such provisions of the Local Self-Government Act as appear practicable to the Local Government be gradually applied to this District, this policy to proceed *pari passu* with the growth in fitness of Santals to be employed by Government to administer this Act.

4. That the special cadre of officers known as the Santal Commission be revived.

This District was formerly administered by a special body of men known as "Santal Officers." They were mostly Anglo-Indians who spent most of their official career in the District. They were encouraged to learn the language, were specially trained in the local system of administration, and were expected to tour about the villages and to get amongst the people. In recent years, for various reasons this most excellent system has practically ceased to exist. Deputy-Magistrates and other officers who have served in other Districts are posted to this District, and in the nature of the case, these men, however good they may be, can know little or nothing about the people, their language or their customs, while the system of administration being different from what they have been accustomed to, some of them, no doubt, start off with a prejudice against it, and this must affect their work adversely, even if unconsciously. Then too the motor car has done away with the old camping system, and we submit that the result has not been altogether to the advantage of the people or conducive to efficiency. It is difficult

for these men, good officers all of them, to pull their whole weight in working a peculiar system unless they are part and parcel of it. We suggest therefore that the Santal Commission be revived and that either Anglo-Indians or Indians be recruited for it, that a knowledge of the local vernacular be obligatory, a sound training in the local form of administration be given them and that they be encouraged to get amongst the people. It ought never to be impossible, as it is only too frequently the case at present, for an illiterate aboriginal to speak to a Deputy-Magistrate in Court in his own language.

5. That the present basis of electoral franchise be expanded to enable the aboriginal population of the Province to be more truly represented in the Legislative Council. The present franchise is of such a limited nature as to effectively prevent any proper representation of the aboriginal races of Bihar. The Santal Parganas, for instance, has three elected members of the Provincial Legislative Council—two Hindus and one Mahomedan. Two of these are Congressmen, and the other an Independent with a strong bias towards the Congress Party. They do not in any wise whatever represent the large aboriginal population, whose interest in politics, especially of the Congress pattern, is nil. But it would probably have made a very great difference if every Santal village Headman and Parganait had had a vote. These men have a stake in the country, they are the recognised leaders of the people, and their number is sufficiently great to make itself felt in any election. So long as the franchise remains as it is at present the aborigines will continue to lack representation and to take no interest in politics.

We pass this suggestion on to the Commission for their sympathetic consideration. We would not restrict the vote to Santals only but would give it to all pradhans and headmen.

Dated, Barharwa, E.I.R. Loop Line,  
May 20th, 1928.

(Rev.) T. LENMAN,  
Church Missionary Society. Nominated  
member of the Legislative Council  
to represent aborigines.

The Substance of this Memorandum which bears the signature of the writer, has been submitted to and received the approval and endorsement of the following Missionaries, representative Santals, and other non-Officials, amongst others:—

#### Missionaries:—

- Rev. W. J. Tillott, Pathra, Santal Parganas. Church Missionary Society.
- Rev. R. Rosenlund, Santal Mission of the Northern Churches.
- Rev. P. O. Boddington, Santal Mission of the Northern Churches.
- Rev. M. A. Pedersen, Santal Mission of the Northern Churches.
- Rev. J. M. Macphail, M.D., United Free Church of Scotland Mission.
- Rev. W. Dempster, M.D., United Free Church of Scotland Mission.
- Dr. Ronald Macphail, United Free Church of Scotland Mission.
- Rev. W. Miller, United Free Church of Scotland Mission.

#### Santals:—

- Rev. C. H. Koomar, Church Missionary Society.
- Rev. J. Soren, Church Missionary Society.
- Rev. L. Murmu, Church Missionary Society.
- Rev. S. Murmu, Church Missionary Society.
- Christo Das Tudu, Headmaster, Pathra M.E. School.
- Mr. E. H. Koomar, Offg. District Inspector of Schools, Santal Parganas.
- Mr. R. R. Kisku Rapaz, Spl. Dy-Inspector of Schools, Santal Parganas.
- Mr. S. S. Murmu, Sub-Inspector of Schools, Godda.

## DEPUTATION ON SUBJECT OF THE "BACKWARD TRACTS."

Mr. P. J. Soren, Sub-Inspector of Schools, Rajmahal.  
 Mr. I. K. Tudu, Sub-Inspector of Schools, Pakaur.  
 Mr. R. M. C. Soren, Sub-Inspector of Schools, Jamtara.  
 And over 50 other signatures.

Other non-Officials:—

Mr. S. S. Day, M.L.C., Late S.D.O. Rajmahal, Deoghar and Dumka.  
 Mr. S. P. D. Shaw, District Inspector of Schools, Santal Parganas.  
 Rev. P. L. Singh, M.L.C., Nominated member representing aborigines.

## PATNA.

Dated 17th December, 1928.

## MORNING.

## PRESENT:

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT RAO BAHADUR RAJAH AND MR. KIRAHARI PRITCHARD), AND OF THE BIHAR AND ORISSA PROVINCIAL COMMITTEE (EXCEPT THE RAO BAHADUR OF AMAWAN).

## The "BACKWARD TRACTS."

Mr. J. A. Hubback, I.C.S., Special Officer, Reforms, Government of Bihar and Orissa.

Mr. R. E. Russell, I.C.S., Revenue, Secretary to the Government of Bihar and Orissa.

Mr. M. G. Hallett, I.C.S., Collector and Valuer.

Khan Bahadur Muhammad Hamid, late Settlement Officer, Sambalpur.

Mgr. L. Van Hoeck, Catholic Bishop of Ranchi.

The Rt. Rev. Dr. K. Kennedy, Bishop of Chota Nagpur.

The Rev. T. Lenman, M.L.C. (representing the Missionaries).

281. *Chairman:* I think we had better begin, Mr. Hubback, with a few questions to you. Perhaps I may try to shorten matters on behalf of the Conference as a whole. First of all I have a few questions which are more geographical than anything else. As I make it out, we are really here concerned, are we not, with Chota Nagpur, which contains five districts?—(Mr. Hubback) Yes.

282. And with another group which we may call the Santal Parganas and Angul, which are dealt with under an additional section of the Government of India Act. There is also Sambalpur, which lies outside Chota Nagpur?—Yes, it is part of the Orissa division and not of the Chota Nagpur division.

283. To put the thing in terms which will be understood by those of us who come from Great Britain, as I make it out the area of Chota Nagpur is about the size of Ireland. It works out to about 38,000 square miles—38,000 square miles is the total area of all the backward tracts, including Chota Nagpur.

284. They come to more than Ireland, which I think is 32,000 square miles?—Yes.

285. The Chota Nagpur area consists of Hazaribagh, Ranchi, Palamau, Singhbhum, and then I suppose there are the Santal Parganas and Manbhum. It constitutes altogether between one-third and one half of the whole province?—38,000 square miles out of 84,000 square miles of British territory.

286. Let us see how these are dealt with under the sections of the Government of India Act. There is a section, is not there?—section 71—which makes it possible for regulations to be made for the peace and good government of an area in British India which will take it quite outside the regular scheme of legislation and ministers which ordinarily applies?—I would not put it precisely in that way.

287. Put it in your own way and tell us what section 71 does?—Section 71 permits the Secretary of State to apply the section to any part of British India. When the section has been applied it is then possible for the Governor-General in Council, on the advice of the local Government, to make regulations for the area to which the section has been already applied which have the force of law; that is to say, it is a way of making positive legislation for these particular areas.

288. I understand that has been done in reference to the Santal Parganas and Angul?—That is so.

289. Just make this clear to me. Does the law which is passed by the provincial council of Bihar and Orissa apply to the Santal Parganas?—No.

290. Or to Angul?—Not without the definite Act of the Governor under section 52A, by which he can apply it either in full or subject to such exceptions or modifications as he thinks fit.

291. Turning to section 52A, I understand that section of the Act will apply to all these districts of which we are now speaking?—That is so.

292. Both the Santal Parganas and Angul and the others?—Yes, but Angul has additional restrictions.

293. I am still speaking of section 52A. Never mind whether anything else applies: does section 52A apply to all these areas?—Yes.

294. Just describe to us (I have it before me) what section 52A does?—If I am permitted to take Angul first, section 52A permits the Government of India by notification to restrict the application of the present constitution, the general Constitution of India, in certain backward tracts. That notification was published immediately after the Reforms came in, on January 3rd, 1920.

295. I see the reason why you mention that. If you take the first page of this Memorandum on the

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[Continued.]

backward tracts\*, you will see the year is omitted. It is at the end of the first paragraph. The notification there set out is that of the Governor-General in Council "dated the 3rd January," but it does not give the year. It is 1920, immediately after the new scheme of Reforms came into operation?—Precisely.

296. As I follow it, to begin with the result of it is that all these areas I have just recited have thus been declared and notified to be backward tracts?—Yes.

297. When they are thus declared to be backward tracts, the Governor-General in Council may then make directions, the substance of which is set out on pages 333 and 334† of this document, is not it?—And also on page 332†. As regards page 332†, the Governor in Council can direct that "any Act of the local legislature of Bihar and Orissa shall not apply to the said territories or to any part thereof, or shall apply thereto subject to such exceptions or modifications as the Governor may think fit."

298. Those exceptions and modifications are, I think, to be found on pages 333 and 334†?—No; I beg your pardon, but I am afraid that is not so. That is as regards general legislation, legislation applying to the whole province. The exception on page 334† applies specially to laws solely applicable to all or any of the territories specified in this notification.

299. I was not saying what pages 333 and 334† contained; I was saying pages 333 and 334† were the pages which would contain whatever the Governor-General in Council's directions were. However, explain it in your own way.—There is a special provision for legislation applying particularly to the territories that are notified; that is to say, for example, the Tenancy Act for the district of Ranchi. That would come under the powers given at the top of page 334†. At the same time, the Governor has also powers to restrict the application of a general Act, an Act applying to the whole province; he can restrict its application to any of the backward tracts. The effect is described on pages 348 and 349†, paragraph 26, of the Memorandum on the backward tracts.

300. Let us see if we agree as to the results. I think I follow it. So far as the Central Legislature is concerned, if the Central Legislature is minded to pass a law which will be solely applicable to this scheduled area, the law must contain a provision that it shall come into operation only at a time and subject to such modifications as the Governor-General in Council directs?—Yes.

301. That is what I meant when I said you would find part of it on page 333†. It is stated on page 334†, is not it?—Yes.

302. The other provision is to be found, as I make it out, on page 333†, namely, that so far as the Angul district is concerned at any rate there is in effect no transferred subject, so that section 46(1) of the Act is construed as though the whole field was reserved?—That applies only to the district of Angul.

303. So it says at the top of page 333†. Then I understand in the areas to which section 71 applies (the Santal Parganas and Angul) there is not only a restrictive or restraining power, but a positive enacting power by regulation?—That is so, precisely.

304. *Mr. Cadogan*: I want to ask you one or two questions, *Mr. Hubback*, on the constitutional issue. The Chairman has already brought out the fact that the districts of Chota Nagpur and the Santal Parganas and Angul have all been notified backward tracts under section 52A?—Yes.

305. He has also brought out the fact that the Santal Parganas and Angul are governed by regulations under section 71, and that is not the case with regard to Chota Nagpur?—Yes.

306. I want rather to elaborate that. I want to know whether I have got this quite right. I want to compare the two systems. The chief characteristic of what I may call the Santal system, the system under section 71, is the concentration of all the principal activities of government in the hands of commissioners,

deputy commissioners and subordinate officers: that is it, broadly?—Yes, broadly.

307. To enter into further detail, the system operates to check litigation, to protect the poor litigant, and I think provides some modification of the law of usury in favour of the debtor?—Yes.

308. While on the other hand, in Chota Nagpur there is no such power under section 71?—That is so.

309. Nor is the jurisdiction of the ordinary courts, or the application of the ordinary laws, excluded to anything like the same extent. There is no suggestion is there, that Chota Nagpur wishes to be governed in the same way as the Santal Parganas? May I put it in this way. Subject to the three points brought out in the various memoranda—that is to say, the retention of the tribal land laws, the fostering of education by Government, and the employment of sympathetic officials who have a knowledge of the country—I take it that Chota Nagpur is content with the form of government which at present obtains. Am I right in saying that?—Broadly you are, but there is just one point I should like to make, and that is as regards Kolhan, which is about one-third of the district of Singhbhum. That is an area inhabited almost entirely by aborigines, it is a Government estate, so that Government is the sole landlord, and in practice the Santal Parganas system has been kept going there, though it has not got the legal backing of section 71.

311. *Mr. Cadogan*: Although the systems of government are not the same in the various districts, there is this striking similarity in the situation, is there not? The local Government only instituted these special methods of governing the tracts after the existing laws had been proved quite unworkable, and when a crisis had been precipitated by what I might call open rebellion?—That is certainly so as regards the Santal Parganas.

312. But was not it following upon a rising in Chota Nagpur?—(*Mr. Hallett*): The rising there was much later. I think it was about 1890 and no fresh legislation was undertaken after that.

313. It was not in consequence?—(*Mr. Hubback*): No constitutional legislation, no.

314. I do not quite know to whom to address my next question, as to the representation. I gather from the Government memorandum that in Bihar and Orissa, aborigines represent 14 per cent. of the population: is not that so?—I think that is a fairly close figure.

315. I do not know whether the Bishop of Ranchi would like to answer these questions. On the question of representation in the House, in Chota Nagpur the aborigines I believe are 58 per cent. of the population?—(*Mr. Van Hoeck*): Yes.

316. The remaining 42 per cent. of the population, how do they compare with the aborigines?—The remaining 42 per cent. of the population, of course, are Hindus and Muhammadans, who come from outside.

317. Are they in a much higher state of civilisation, or not?—Very much higher, I should not say as a general rule, namely, all of them, but among them there are Bengalis, for instance, there are Muhammadans that have certainly a good high state of education and civilisation, while amongst the aborigines there is none—of course, if I say none I do not exclude, perhaps, half a dozen or a dozen or so; but that is, I think, the real position.

318. With regard to the 58 per cent. are those who have adopted the Hindu religion and customs, and so on included?—I think the 58 per cent. included all the aboriginals, whether Hinduised or not Hinduised.

319. While on the subject of representation, the number of aboriginal electors is very disproportionate, is it not?—(*Mr. Hubback*): Perhaps I may answer the question. Page 347† shows the figure.

320. *Mr. Cadogan*: I understand that their interests are represented in the legislative council by the nominated members, besides any members whom they may be able to elect in the general constituencies

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[Continued.]

in those areas in which they have a preponderance of the votes. I think there are nine members in the general constituencies from the districts?—Yes.

321. Would it be fair to say that seven out of these nine cannot be identified in any way with the interests of the aborigines?—Only one is nominated who is an aboriginal; is not that so?—There is one aboriginal who is elected for the Singhbhum district, and there is the member of the Provincial Committee, Rai Bahadur Roy. There are the two in this document whom I take as being really representative of the aboriginal.

322. Only two; that is what I am driving at. I wanted to find out how far they were representative. Then I want to ask one or two questions on the characteristics of the aboriginal population, because it must be the determining factor in considering what measure of reforms, if any, is appropriate. They have been described, I think, in one of the memoranda as a contented, law-abiding, loyal people, confident of the good will and ability of the Government to protect them. Now, I have only read the outline of their history, but it seems that directly they are exploited they become anything but law-abiding and trustworthy?—(Mr. Van Hock): They really are trusting in the Government, and they want to demonstrate in some way to Government their wrongs. That is what they attempted to do in the rising.

323. During the non-co-operation movement they came completely under the influence of the non-co-operators, as far as I can make out?—(Dr. Kennedy): That is not the case at all. I can give you an instance. In Murbi, where there is a large bazaar, 30 miles from Ranchi, the non-co-operating agents who came there and tried to stir them up were driven out of the bazaar.

324. A number did come under their influence, I understand?—A small percentage.

325. Chairman: May I just be clear, Dr. Kennedy, your headquarters would be Ranchi, I take it?—(Dr. Kennedy): Yes, but at the time of the non-co-operating movement I was living in Murbi, the place I have just quoted.

326. Mr. Cadogan: Another question on their characteristics. They are not hopelessly primitive, and they have potentialities for development. The education statistics bear that out, do they not?—Yes.

327. I think your point is that for the present they require protection, but they will profit by it so that ultimately they will cease to need it. That is the point, I think, of all those who have submitted memoranda on the province?—Yes.

328. Has there been any agitation from the aborigines or from any other part of the community in any legislature indicating any desire to bring the backward tracts completely within the ambit of the Reforms?—None.

329. Surely there has been discussion and debate? Has not there been a discussion?—Not from the aboriginal side.

330. Surely there has been a discussion in the Central Legislature and also in the local legislature?—(Mr. Hubback): There have been these discussions, but they have not originated from the aborigines.

Chairman: I had understood the position, from reading these pages, to be this. I think the position was that as far as could be ascertained the aboriginal themselves had shown no disposition to ask for being brought more completely under the normal scheme, and that so far as regards political discussion, the discussion had been in the Legislative Assembly, but was not instituted by those who specially spoke for the area.

331. Mr. Cadogan: There is, I think, a demand in all the memoranda that the present basis of the electoral franchise should be widened: is that so?—(Mr. Lenman): Changed.

332. I think there has been a suggestion to enable the village headman to have a vote, for instance?—

I think that is the case in the Santal Parganas. I think most of us would agree with that. I cannot speak for the other areas.

333. Chairman: Your headquarters are in the Santal Parganas?—Yes. The headmen are the elected representatives of the villagers.

Mr. Cadogan: That is all I have to ask.

334. Chairman: Might I just ask you gentlemen to give your opinion on one or two additional broad points. First of all, I should like to collect your opinions, both the officials and the others who have a long acquaintance with this area. Do you consider that there has been material progress in an educational sense, in the sense of uplift in the aboriginals, during the last ten, fifteen or twenty years?—(Dr. Kennedy): Yes. (Mr. Lenman): Yes.

335. What is your view about that, for instance, Mr. Hallett?—(Mr. Hallett): The advance is much more marked in the Ranchi district, which I know fairly well, than it is in such a district as Singhbhum. That is largely due to the influence of the missions up there. Singhbhum has a very limited mission field, and on the whole I do not think they have advanced to such an extent as the Mundas and Orans who live in the Ranchi district.

336. You think the advance has been most striking in the Ranchi part of the area?—In the areas affected by the mission work.

337. Khan Bahadur Hamid, what do you feel about Sambalpur?—(Khan Bahadur Hamid): In Sambalpur there has been a good deal of advance in the matter of education in the non-aboriginal part of the population.

338. Another general question I should like you gentlemen to help us about is this. In some respects the interests of the aboriginals may not be the same as the interests of the other inhabitants of the area, or at any rate of others who come to the area. There is some reference to exploitation and so on in these documents. Do you think there is any indication of improved relations between these different elements in the population?—(Mr. Russell): As far as the Santal Parganas are concerned I would say "No"; the aboriginal has nothing to do with the non-aboriginal if he can help it. The two communities keep entirely to themselves and the relations between the two are mostly limited to money-lending and the receiving of rents or litigation.

339. Might we know the views of the Bishop of Ranchi, the Bishop of Chota Nagpur and Mr. Lenman?—(Mr. Lenman): I agree with Mr. Russell entirely.

(Mr. Van Hock): In Chota Nagpur proper I think the position is much the same. There may not be such great antipathy, but there is certainly not great sympathy. The relations do not become close except, as has been mentioned, with regard to money-lending, the payment of rent and such things; otherwise the aboriginals keep very much to themselves. (Dr. Kennedy): The relations are more peaceable on account of the passing of the Chota Nagpur Tenancy Act. There is not such frequent friction between them now, but it is deep in the minds of the aboriginals that these immigrants from outside are their hereditary enemies, and that they are restrained only by the British Government from exploiting them as they did before the passing of these Acts. That is why non-co-operation made no headway amongst them; they know quite well who are their protectors against the exploitation which would otherwise be their fate.

340. There is a third general question which rather follows on the others; probably again it is a case for individual opinion, but we should like your guidance. What would your views and advice be in the interests of these people? Do you think the stage has been reached when they should have increased opportunities for securing their own political representation, for instance by lowering the franchise or something of that sort, or do you think that for some time to come they will be better dealt with by nomination or by the protecting hand of Government?—(Mr. Hallett): My personal opinion is that the second alternative is absolutely required. (Mr. Hubback):

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[Continued.]

I agree with that. (Dr. Kennedy :) I concur in that view.

341. You will appreciate that these questions are of great importance to the Conference. I think you will agree with me we always have to be careful, when men of good will are trying to raise the level of those that are backward, that we do not keep them backward by continuing indefinitely to treat them as incapable of exercising any sort of political function, when it may be you can raise them only by giving them the opportunity, within proper limits, of taking greater care of themselves and one another. You know the difficulty; it presents itself all over the world?—(Dr. Kennedy :) I thoroughly appreciate it; but if you let a child walk too soon it is liable to become bandy-legged.

342. But if you do not let it walk at all it will fall down whenever it tries?—(Mr. Van Hoek :) It is not necessary to keep them constantly in bondage. As a matter of fact there is another system which I do not know whether you mentioned; instead of having the protecting hand of Government always over them many aboriginals desire to be put under their own Government, of course with a Chief Commissioner or Lieutenant-Governor or someone over them. The whole tract would be homogeneous, and within that tract, since they would all be of the same standing, you might grant them higher political powers. Then it will be their own business. I know them well; from conversations I have had with them I do not think any of them will appreciate a widened basis of representation. Why? Because they are still like children, as the Bishop of Chota Nagpur has said, and anyone who is not an aboriginal has his own advantage to look for and can bring them round. It is astonishing to see the simple ideas by which they allow themselves to be carried away. Hence they say: "If we had our own Government here, whatever we decided would belong to us and we should have to consider ourselves alone." I think then they would take a much greater interest. Among themselves they have meetings where they discuss tribal matters with the greatest interest, because they know there they are their own masters, and what they decide they can insist on being done; they know that whatever are the disadvantages and advantages it has been decided on by their own people.

343. There is a difficulty, is not there, in the fact that interspersed among them is this other population, living in the same area and which in many places forms a quite substantial percentage?—Knowing the aboriginals, I would say they would look to their own advantage, but they would not do things to the disadvantage of others. That is what I think. They would keep secure their own rights as they are now; they would insist on that; but as far as I know the aboriginals they would not go further and willingly and knowingly try to do harm to the others. They would simply try to save their own position; that is all.

Chairman : I should like to make one observation, both to you gentlemen and to my colleagues here in the Conference. This is, of course, a most interesting subject, of which it is most attractive to learn all the details. At the same time, we must remember that even on this subject the Conference is primarily concerned with the constitutional question; that is to say, it is concerned with considering what is the proper structure of the Constitution of British India so far as it is affected by this special situation. It is not the business of the Conference to decide, and therefore it is only incidentally relevant to discuss, whether a particular set of people should or should not be dealt with under a particular section; the important question is, are sections such as section 71 and section 52A sections which are found to have a useful application in British India, as for instance here, and is the scheme which they authorise a scheme which needs to be provided for constitutionally in somewhat different terms. What particular declaration is made or what particular schedule is drawn up

is of course not a matter which the report which may proceed from this inquiry would decide.

344. Major Atlee : I gather that in the Santal Pargannas you have a very complete indigenous organisation, have you not?—(Mr. Russell :) Yes. There is a complete organisation over the greater part of the district. The village is the unit.

345. Are those villages self-governed to some extent?—The Code of law regulating the village customs and rights is administered primarily by the headman, and the ryots of the village have a right to approach the sub-divisional officer or the deputy commissioner if they are dissatisfied with his decision.

346. Is there any larger unit than the village? Is there any sort of tribal gathering?—Yes. In the portion of the district known as the Damin-i-Koh which is an aboriginal reserve more or less there is a higher stage than that. Groups of villages ranging from about 15 to 50 are under the control of one man called *parganail* who is elected by the headmen of the group and he performs police functions as well as judicial functions. He is the head of the tribal judicial organisation and he has certain judicial functions delegated to him by Government.

347. There is in fact an indigenous system of self-government?—Yes.

348. I should like to know how far that obtains in the rest of Chota Nagpur?—(Mr. Hallett :) There also is a similar system in one part of Singhbhum, the Kolhan, while in the rest the village system has practically died out. It is the same there as in Bihar in respect of village self-government.

349. You say it has died out. Is there any kind of organisation among the aborigines?—(Dr. Kennedy :) There is a very complete organisation with regard to social matters. They have a number of villages grouped together and one man is chosen as the head and he determines the things about outcasting and things of that sort.

350. That is really the point. It does not matter very much whether he performs this function or that. You have in effect there a habit of self-government in certain matters by the aborigines?—Yes.

351. Do you think on the whole that it is fairly administered?—(Mr. Van Hoek :) I think the system works fairly well. (Mr. Lenman :) It is the only system which can work very well among the aborigines.

352. I was interested in what the Bishop of Ranchi was saying. Would you suggest that possibly the best way to treat this area would be to take it out from the present province and have a separate organisation with possibly a headship and thus develop the indigenous system?—(Mr. Van Hoek :) This, I think, is in the mind of very many of the aborigines, that is of those who have some education. I think that is really what they would like to have. They want to have a self-contained area having the same problems. They do not want to treat the others as their enemies provided everybody within that tract submitted to the same laws. Then they say there will be scope for looking into their private affairs. At the present time, if I may make a further remark, this is very difficult. At present Bihar is much more advanced than Chota Nagpur and has its own very serious problems. It is very difficult for one man to attend to very serious problems on one side and to very serious problems which are quite different on the other. What the people of Chota Nagpur feel is that unless they are taken by themselves and considered as a group their problems cannot receive sufficient attention however much one might be sympathetic. Even from the most sympathetic man they cannot expect all that they want if he has to look to so many other things. The Bihari has first to look to his own things.

353. Chairman : Perhaps it might be put in this way. I gather from what you say that the view of these aborigines is that they do not feel able to trust the Bihari to look after them?—I would not say that they distrust. Whether it is the Bihari or some other

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they do not think so far. You may put the very best man; but since he has his own problems, since he has his own interests, naturally they feel "you are yourself busy about your own problems and our problems will not receive as much attention as they require."

354. *Major Atlee*: Do you, gentlemen, agree in this view?—(*Dr. Kennedy* :) I think the Chairman has put it very mildly. The attitude of the aborigines to the Bihari and to the Bengali generally is "*Timeo Danaos et dona ferentes*."

355. The point I want to put to you is this. What do you think of the idea? Do you think it is a good thing if these tracts were formed into a separate government?—I see two sides to that question. I refrained from mentioning that point in my memorandum and I would rather not be compelled to answer that. I will have to discuss it at considerable length if I have to give my opinion.

356. I would just like to ask one other question and that is the impact of industrialism on the aborigine. I think a good many of your aborigines go and work in the mines. I do not know if they go to Jamshedpur. But what is the effect on the aborigine when he comes back home or when he stays there? Perhaps he remains much as he was before on the whole when he comes back home.—(*Mgr. Van Hoeck* :) I would say this. There is an organisation in Chota Nagpur which sends labourers to the Andaman Islands. It is being very well arranged by the Government. They work in the Andamans and they are allowed to come back. All the conditions are settled before they go and when they come back they return with a certain amount of money and they become more industrious and the people certainly like to go there. As for the mines, I believe the mines in Chota Nagpur have the same effect on the aborigines as they have anywhere else. They do not improve the aborigines at all. As a matter of fact I have spoken to very many of the people who have come back from the mines and they say they will not go back to the mines unless they are compelled to do so on account of starvation. They may be very poor and they may have scarcely anything to eat, but they would not like to go to the mines. I believe this is simply because there is no organisation. They go to the mines as any other workman goes and whatever money they earn they spend it as once.

357. In any case you agree the aborigine requires the greatest possible protection in the light of the industrial developments that are taking place?—I think he would. On account of the want of education none of them can occupy in these industries any position above that of the simple labourer and that is the great difficulty. As long as their own people cannot occupy the position of clerks—taking the smallest position to begin with—scarcely any improvement is possible. That is why they especially ask for special organisation for themselves.

358. *Rai Bahadur S. C. Roy*: Mr. Hubback, you now say that "four million" on page 103\* of the memorandum is a mistake for 5½ million?—(*Mr. Hubback* :) The figure given on page 103\* of the main memorandum is 4 million. It was taken from an old administration report. To the best of my ability I estimate that 5½ million is more likely to be the right figure than 4 million.

The *Chairman*: I understand that it is agreed that the following correction might be made: On page 103\* of the Government memorandum strike out the words "four million" and substitute "5½ million."

359. *Rai Bahadur S. C. Roy*: On page 337\* of the book you speak of the "long struggle between these aliens and the aboriginal population" of the Ranchi district. Again on page 338\* you speak of the "subordination of the cultivators to the landlords in many places." In the same page you speak of the great power of the landlord over his tenants in Hazaribagh. Now in these circumstances do you not think

it desirable not to strengthen further the power of the landlord over the aborigines?—I should certainly be averse to a modification of the Chota Nagpur Tenancy Act in that sense.

360. I am not talking of the Chota Nagpur Tenancy Act at all. Do you not think it desirable not to strengthen the power which the landlord has over the tenants either in council or in some other way?—I think the question will mainly arise in the Tenancy Act. In general I agree with you.

361. Now do you not think that in the Bihar council the landlords are over represented?—I certainly would not say that.

362. On page 126\* you give a list of the men elected to the council according to which the landlords are 38 in 1920, 30 in 1923 and 27 in 1926. That is they are exclusively landlords. Then you give other classes such as lawyers, politicians, European planters and so on. But there are also landlords in these groups, are there not?—In the sense that they hold a certain amount of land in addition to their ordinary profession?

363. Many lawyers do hold land and even European planters do hold; is that not a fact?—Perhaps two or three of those mentioned on page 126, apart from landlords, hold a certain amount of interest in land.

364. So you agree that apart from the landholders given there, there are also landholders among other classes mentioned there?—Yes, a few.

365. And that is why we read in the Bihar and Orissa Administration Report for 1921, page 15, that in the election of 1920 out of the 76 elected members for the legislative council, 45 represented the landowners and out of 10 for the Legislative Assembly 7 represented the landowners? Is that statement of fact correct?—I assume so. I am not responsible for that statement.

366. Do these numbers 38, 30, 27 represent the great landowners?—No, certainly not. They include everybody whose main interest is in the land.

367. Then is the statement in the administration report of 1921 incorrect?—I am not responsible for that statement.

*Chairman*: One does not assume always that because a man belongs to a particular class, if he is elected by a general electorate to serve in the council he represents the particular class to which he belongs.

*Rai Bahadur S. C. Roy*: There is the Government statement and it may be taken for what it is worth.

368. *Chairman*: Is the point of the questions which you are now putting really this, that you want to support the view that the backward tracts should remain under the special system which now prevails?

*Rai Bahadur S. C. Roy*: No; the backward tracts should be separated and formed into a separate province by themselves.

*Chairman*: I do not think the question as to how many landlords or landowners there are in the legislative council would necessarily go to prove that. I thought your point was this, that it was not desirable that the backward tracts should come under the control and power of the legislative council but it was desirable that in some way or other they should be specially treated having regard to their special interests and needs.

*Rai Bahadur S. C. Roy*: In this way the interests of the Chota Nagpur people will suffer by being under a council where the landlord element predominates.

369. *Chairman*: That is exactly what I thought. Just tell me what was the year of the Chota Nagpur Tenancy Act?

*Rai Bahadur S. C. Roy*: 1908, sir. That has not given the full relief that the aborigines require and which they deserve.

370. *Chairman*: At any rate you do not want to alter that part of it which is favourable to the tenants?

*Rai Bahadur S. C. Roy*: Certainly, sir.

371. *Chairman*: And I suppose you might perhaps think that the legislative council of the province with its considerable landlord element might not be a body

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which, if left entirely to itself, would preserve the tenants' rights in Chota Nagpur?

*Rai Bahadur S. C. Roy:* Yes, sir. And not only that, but any improvements that the ryots would require might not be favourably considered by the council. Therefore, they want a separate council in which their interests will be sufficiently represented.

372. *Babu Chandreshwar Prasad:* Is it not necessary here to know, sir, from Mr. Hubback and *Rai Bahadur S. C. Roy* whether any attempt has ever been made to thwart or to amend the Chota Nagpur

Tenancy Act in such a way as to adversely affect the interest of the tenants?

*Chairman:* So far as I know, it has not been the case, and I do not know if anything is suggested. Still the fact remains that as things are any attempt to pass legislation which might be thought to be to the prejudice of the Chota Nagpur tenants will be an attempt to come under the special section of the Government of India Act, and, therefore, necessarily will be checked. I am not making any criticism against anybody. But that is the present position.

## AFTERNOON.

### Deputation on subject of "Backward Tracts" (continued) together with Deputation from CHOTA NAGPUR IMPROVEMENT SOCIETY.

The Deputation consisted of :—

*Rev. Joel Lakra*, President (Spokesman).

*Rev. Gabriel Hemrom.*

*Rai Sahab Bandi Ram Uraon.*

*Mr. P. Hurad.*

*Babu E. Topono.*

*Babu Patras Dungdung.*

*Babu Laurentius Barla.*

*Pandit Masih Dayal Kujur, and*

*Babu Emil Korketta.*

1. *Chairman:* *Rev. Joel Lakra*, you are the president of the Chota Nagpur Improvement Society? (*Rev. Joel Lakra:*) Yes.

2. And the spokesman of the deputation you have introduced? Yes.

3. I understand the gentlemen in your deputation represent both non-Christians and Christians of the Roman Catholic Mission, the S.P.G. Mission and the Lutheran Church?—That is correct.

4. We have, of course, your Memorandum and we had the opportunity of studying it. Shall we for the moment leave that matter and put some questions dealing with the general subject? A little later on we will ask you if you have anything in addition to say?—May I request the honourable members of the Commission to allow us to read an address at the beginning.

5. *Chairman:* It is very good of your deputation. We shall, of course, be very glad to have the address. But do you think it is quite necessary to have it at first? We want to go on with our business in view of the fact that we have these other gentlemen also here and some of them have to go away soon. Would you mind if we postponed this for some time later? (After a stop.) Might I just see a copy of the address? (A copy was handed over to the Chairman.) I think, if you do not mind, *Mr. Lakra*, as it is rather a long document we will ask you to do this a little later in the afternoon. For the moment you and your deputation might be content just to be present here as some other questions are being put which affect the aboriginals of the Chota Nagpur area. We shall be glad to take the opportunity of hearing your address later on?—Thank you.

*Rai Bahadur S. C. Roy:* I understand that in that address they are putting forward a scheme and probably a perusal of that may simplify the cross-examination.

6. *Chairman:* Would you mind, *Mr. Lakra*, if I treated it as having been handed in to me. If you like I will summarise it to the Conference now, and that will be treating it as having been handed in to me?—Yes.

*Chairman:* This is an address, gentlemen, presented by the deputation and is signed at the end by the members of the deputation. It says :—

"As representatives of the aborigines of Chota Nagpur who number about five millions, we beg to

accord a most cordial and respectful welcome to you. We are sincerely grateful to you, sir, for your having come to this distant country at great discomfort, loss and trouble to yourselves, only to listen to our grievances and aspirations and to settle a satisfactory constitutional scheme for us by which our grievances may be remedied and aspirations fulfilled as far as possible.

"We feel confident, sirs, that after you have patiently heard and sympathetically considered our case, you will be convinced of the justice of our demand for a more suitable and progressive Constitution which will afford us full scope to develop more rapidly on lines suited to the genius of our race and which will enable us to attain to the full height of our capabilities for political, social, economic and intellectual development.

"Of all the different communities of India it is we, the aborigines, sirs, who have suffered the most and the longest at the hands of alien peoples. Since the early days of British rule we have been gradually reduced from the position of peasant proprietors holding villages in joint ownership to that of humble cultivators of gradually descending degree of subordinate status down to mere serfs on lands which our ancestors reclaimed and owned. Alien Hindu interlopers have been enabled to do this by either fraud or force partly through our own simplicity and mainly through the mistakes committed by the British Government in throwing us without taking account of our past history, into the melting pot of a common law and common administrative system with more advanced districts. It may rejoice the heart of the mere student of comparative jurisprudence to see in Chota Nagpur every successive grade of rights in land arising out of the disintegration of the primitive village communes, but you, sirs, who are bent upon the sacred task of devising means of social and political amelioration for the inhabitants of his country, will, we are sure, feel grievously pained at the havoc created on our rights by the introduction of an unsuitable administrative and legislative system in Chota Nagpur.

"True, some belated protection from further spoliation of our rights was sought to be given in the last decade by a tardy tinkering with our tenancy law . . ."

That refers, I suppose, to the Chota Nagpur Tenancy Act of 1908?—Yes, sir.



"But that law which is based on a wrong fundamental assumption has not been and cannot be effective in checking further inroads on such miserable remnants of our ancient rights as are still left. To heap insults on injury, these alien landlords despise us as 'Mlechhas' and despicable creatures—more brutes than men, and actually stigmatise us as 'Kols' which we understand is a Sanskrit term for 'pigs'."

"But we too, sirs, are human beings, with a long past—longer than that of any other race in India, with a native genius for democratic government."

"If the claim of our Muhammadan fellow-countrymen that either as kinsmen or as co-religionists of quondam rulers of India they form an important minority in the country and as such are entitled to more than their proportionate share of representation in the legislature and in the services—(which we do not certainly grudge them)—(meaning that their claim is just?) "We aborigines, sir, can with equal or perhaps greater justice claim that as descendants of the earliest known owners of Indian soil and with more hoary traditions of sovereignty in the land, we too are entitled to as much or perhaps greater indulgence and an equal, if not a larger, share in the government of our own people. The *Mahabharata*, the national Epic of the Hindus, records the achievements of the Munda sovereign, Jarasandha who ruled northern India from Rajgraha or Rajgir in this very district of Patna, and our tradition speaks of Karakh, or Kurush, one of our ancestors who once ruled over what is now the Shahabad district and gave his name to that country as Kurushdes, as Buchanan in his memoirs tell us and Montgomery Martin in his *Eastern India* records. Similar traditions of the ancient rule of our people over other parts of India might be cited in profusion."

"But to turn from ancient history and tradition to contemporary facts. At the present day the aborigines of India number sixteen millions out of which as many as five millions and a half or more than one-third inhabit this most artificial and heterogeneous province of Bihar and Orissa, mostly in a compact body in Chota Nagpur and the Santal Parganas. Whereas, we aborigines form more than one-seventh of the population of this province and our brethren not more than one-tenth, they have succeeded in winning a place in the Bihar Cabinet and a decent representation in the Bihar legislature and in the judicial and executive administration of the province and in other public services, but we, sirs, have no one to represent us in the Cabinet, our representation in the council is farcical and our representation in the public services is negligible."

7. Let me just ask you this. There are in present are there not, in the council here two members who are nominated and in addition to that you have amongst others secured the return, for instance, of the honourable member for the Patna Division, Rai Bahadur Roy, who is here, undoubtedly by your votes. Is not that so?—Yes, Rai Bahadur Roy is perhaps the only one who really represents us."

8. Well, no doubt, he does represent you very well. Then you go on to argue—

"Rules by a Cabinet, of which all the Indian members hail from the landlord class, a class whose interests have always been antagonistic to ours, and who most necessarily feel in apposite and sympathetic with the real and the aspirations, and with a legislature in which the landlord element predominates and represents, we cannot expect the feeling that our interests stand little chance of promotion or even protection. And, as a result of this painful experience of the last few years it that people in Chota Nagpur and Bihar who are landlord rule, give us to justify the representation."

Then you say that you have been denied your share in the financial, administrative, judicial, political and other advancement of the country."

of the province. You consider that the Chota Nagpur area has not had the necessary funds for a medical school, or an engineering school, or an agricultural school or a degree college in arts and sciences."

In the second place you say—

"Suitable aboriginal candidates for appointment to public services are now frequently passed over in favour of Bihar and Orissa candidates."

In the third place—

"The administration of justice in Chota Nagpur is mostly in the hands of Bihar or Orissa officers . . . who have no knowledge of the peculiar customs and habits, languages and mentality of our people . . ."

Then you give in quotation what Mr Andrew Fraser wrote in the *Quinquennial Administration Report*.

In the fourth place you say—

" . . . the elaborate and intricate laws of procedure and evidence which may be suitable for advanced districts but are beyond the comprehension of the bulk of the aborigines are productive of much hardship and injustice to these backward peoples. If we were given our own legislature for the backward tracts, matters would have been quite different. A council composed almost wholly of men of a higher culture would regard any attempt to simplify the law as a retrograde and reprehensible step. As for the inequitable provisions of our tenancy laws, any attempt made in the interests of the aboriginal tenants to alter them would be regarded as a failure . . ."

In the fifth place—

"In the Bihar council, the aborigines have very little chance of a favourable hearing, whereas the other important communities are fairly well represented . . ."

In the sixth place—

"Each European official has in his portfolio a certain number of aborigines with his staff and staff to understand and to do as far as they could, have, under the present changed circumstances, very little chance of doing so. In the present form of the government they are generally more represented with the values and opinions of the aborigines . . ."

In the seventh place—

"In the Council where the interests of the aborigines are often in conflict with those of the landowners or even large groups of landed interests, the former are generally likely to be sacrificed in favour of the latter."

In the eighth place you argue that the aboriginal arrangements cannot be expected to secure a genuine nationalism and that such an national sentiment is bound to result in the two extreme parties being the poor tribes of this character and pushing the poor tribes of the so-called culture."

"Finally, the present administrative system of Bihar and Orissa and the Santal Parganas, and Bihar is inimical to the aborigines . . ."

The further that the aboriginal wants have been ignored, the more the aborigines are likely to be driven to a desperate struggle for their rights and interests."

"In the eighth place you argue that the aboriginal arrangements cannot be expected to secure a genuine nationalism and that such an national sentiment is bound to result in the two extreme parties being the poor tribes of this character and pushing the poor tribes of the so-called culture."



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[Continued.]

The advantages you mention are these—

"In the first place such a province will form a uniform homogeneous administrative unit. It is this tract which is described in the last census report of Bihar and Orissa as the Greater Chota Nagpur. The aborigines who form the bulk of the population of these tracts are all racially, linguistically and culturally akin . . ."

"In the second place, when we shall have our own legislative council and minister we shall be in a far better position . . ."

"In the third place, we shall have a separate judicial and executive service . . ."

"In the fourth place, the question of communal representation which is bad everywhere will hardly arise in the proposed aboriginal province. Guarantees may, however, be provided for such minority interests as may exist."

"In the fifth place, a separate administration and legislature of our own will inspire in our people greater national self-respect and self-reliance."

Then you say—

"The first and indeed the only serious objection that may be raised against the scheme is the financial resources of the proposed province. To this our humble answer is that with the surplus of revenue that is left over after paying for our district administration and with the addition of such grants and financial arrangements as we confidently expect, the Central Government will be pleased to make in fulfilment of their responsibility for the improvement of the backward tracts, it may be possibly by strict economy to pay our way . . ."

Then you discuss also the subject of the smallness of the province and argue that it is big enough. Some other objections, you say, may be raised for the scheme and you argue for its advantages. I understand that that is the substance of what in this document you wish to put forward?—Yes. We have also put forward two other alternative schemes though less satisfactory than this.

9. I think I have summarised it fairly?—Yes.

10. Would you just tell me this: According to your understanding, in the old days to which you refer, was the system in your area one in which the village was owned by all people who lived there jointly?—Yes.

11. And in the old days, as you understand it, did the villagers pay tribute to anybody else?—In fact it was not called tribute; it was a kind of subscription they used to pay.

12. To some superior?—Yes. It is only when the Muhammadans conquered our country our people were compelled to pay that.

13. Then I understand there has been, as you describe in this document, a successive disintegration; many of your villages now are not owned by a joint ownership but they are broken up?—Yes.

14. One result of that is that it is difficult to get a village represented by votes from voters because the individual voter may not have the qualification. Is not that so?—It depends on what we call qualification.

15. Qualification at present is—is it not—the paying of a certain amount of rent or land revenue?—That is the understood qualification, but we do not know what should be really the qualification.

16. You think that there ought to be a different one?—Yes.

17. *Chairman*: I want you to bear in mind that the Bishop of Ranchi has to get away. Would it be convenient for you, *Mgr. Van Hoeck*, to add anything about this?—(*Mgr. Van Hoeck*): With regard to the scheme which has been proposed, I believe that really no insistence is sought to be placed on going back to the old customs. I would simply say this much that the problems which agitate the minds of the aborigines should be examined very carefully

to see what can be done. It seems to me that for this purpose there will be an advantage in having a separate administration.

18. *Chairman*: I think this deputation seems rather to differ on this point from what we heard this morning. We heard this morning a strong consensus of opinion from the various gentlemen before us that it was right to treat this area rather differently from the rest of the province of Bihar and Orissa and a general indication was given that what has been done to treat it separately was right. These gentlemen apparently wish to go further and say that they would like to be entirely separated from this province; they have nothing to do with it.

*Mgr. Van Hoeck*: I do not know whether that is the implication which they have in mind. As I said this morning, there are very many problems in Bihar which are quite different from those in Chota Nagpur. Therefore if Chota Nagpur is tacked on to Bihar, say, under one Governor, however sympathetic and qualified that Governor may be, yet it is really a super-human task to manage these two areas with their varying problems.

19. *Chairman*: You see, gentlemen, it comes to this. This deputation is urging, from their point of view, very naturally, that they should be not only separated from the ordinary administration of the province of Bihar and Orissa, but there should be what I may call a full-fledged province of their own, their own central administration, their own Governor, their own minister. That is the question which is raised by the deputation, I think.

*Sir Hari Singh Gour*: They want a reformed government like the rest of India.

20. *Chairman*: The question, it seems to me, is whether or not this very natural ambition of the deputation cannot at this stage very wisely be recommended. I do not know if you have any views about it, *Mgr. Van Hoeck*, but if you have we should be very glad to hear them.

*Mgr. Van Hoeck*: I am sorry I did not make myself clear this morning. In the memorandum which has been presented by us we do not speak of any form of government, we simply state that special protection should be given to these aboriginals to safeguard their rights. But now the question goes further and asks whether we would insist on more safeguards or whether we would like the area put under a separate administration, under a Chief Commissioner or a Governor as head of the province. I should certainly prefer the latter course because if there are special protections for you it does not certainly encourage you to self-respect if you are constantly made to feel that you are inferior to others; if you are separated then there is no longer that sense of needed protection.

21. *Chairman*: May I ask how you feel about it, *Dr. Kennedy*?—I want to know the views of all you gentlemen because you are so disinterestedly concerning yourselves in helping the backward tracts. Whether you would take the responsibility of recommending that they should at this stage take a step forward in their own self-government—that is the real question. Can this district treated by itself be wisely encouraged to do that now?—That is what I want to know from you.

*Dr. Kennedy*: If there are sufficient safeguards to prevent any loss and if certain extensions of the present system are made, I think that would be a more prudent course to follow. At present I do not think on the whole that they are sufficiently developed to run a separate province without some outside help. Now, where is that outside help to come from?—If it is to come in what I might call an irregular way, from other people of the country, then I do not think that they would be better off in the new province than they are at present. You would have a certain number of people, some might be enthusiasts, others might be adventurers, who would hold a great many of the offices and posts in the country. At the present stage of development they cannot get on with filling these administrative posts by aborigines.

22. *Chairman*: Might we ask what Mr. Lennan thinks about it?

*Rev. Lennan*: I think this is a new suggestion to have an entirely separate province for the aboriginal tracts. I have not really thought out this point, but I would rather agree with Dr. Kennedy that at the present moment we would not be able to do without outside help in the administration of any province that might be created.

*Chairman*: What I gather is this. It seems to me that the consensus of opinion on the part of a body of gentlemen who are now before us is that to put Chota Nagpur in the position of being simply one of the ordinary parts of the province without any special provision for its needs or administration would be a mistake, and in so far as there has been a separation, you, gentlemen, think it is right there should be. The question then comes to this: Whether that separation should be maintained as it is or what is the direction in which it might be improved, and I gather that the view of the very wise advisers of the last deputation would be that it is a mistake to be too rash or to go fast. The real thing to do is to see that the protection which these people enjoy is maintained, possibly with a view to their own advancement.

*Lord Burnham*: May I submit to you, sir, that the creation of a fresh province for this area cannot seriously be contemplated? If it is to be a sub-province of this province or some other province, then of course it is a different matter. The question that arises in this connection is whether under this province or any other province they would wish to be under the paternal direction and control of the Government of India with merely a commissioner and such machinery as he requires to deal with their affairs.

*Sir Hari Singh Gour*: As the two deputations do not see eye to eye, may I suggest that the two deputations be heard separately?

*Chairman*: I think that is right. We had better continue from where we stopped before we rose for lunch. I think we should ask our friends of the Provincial Committee if they would just put briefly the points which they think it necessary to put more particularly with reference to the proceedings of this morning.

*Mr. Van Hoeck*: I may say, sir, that when I speak of "their own province" I do not mean to say that all the officials of the province should come from that province. That is not my point. I do not know what is the intention of the deputation. I only want to say that they must have their own administration, let it be under the chief commissioner with his own councils or whatever it is. As a matter of fact, not that the aborigines can by themselves administer the province and furnish all the officials. When I speak of their own province I mean a separate administration for them.

23. *Rai Bahadur S. C. Roy*: You think that a separate administration for them is desirable?—Yes, that is what I think.

24. If they cannot have a separate province, would you suggest any other scheme?—There is the other suggestion that they may have a sub-province with a sub-governor or deputy governor whose main duty will be to be in charge of this province and who will be under the authority of the Governor here. It will give this advantage that there is a special man, call him a chief commissioner or a deputy governor or anything, whose business will be to deal with the problems of that particular area, a sub-province or whatever you may call it.

25. So you think that if there cannot be a province, at least a sub-province would be desirable for that area? Yes, I think so.

26. *Rai Bahadur S. C. Roy*: And it will be preferable to the present system?

*Chairman*: He has already answered the first part. He has used the phrase very generally and said that a sub-province is a good idea; but as regards the present system we have to see how far there is a separate administration at present.

27. *Rai Bahadur S. C. Roy*: You think that a sub-province with a deputy governor whose special charge will be to look after the aborigines is more desirable than the system under which they are at present administered?—I think so.

28. Now supposing for financial considerations even a sub-province cannot be granted, then would it be suitable for them to have something like a compartmental government, that is to say, they would elect a number of representatives, with a minister to guide them, and in the council they would discuss measures concerning them. What do you think about such a system?—I believe that more or less it is the same as a sub-province.

29. If the deputy governor is found to be too expensive then what do you suggest? In this case, though they are tacked on to another province they will have a separate cabinet, a separate council, and so on?—I have not considered that point, but the question comes to this. Of course, the best thing would be to have a Governor with a separate province. The next best would be to have a sub-province with a deputy governor and the next best would be to have a minister with a separate council. But do you intend that their matters shall also be discussed in the general council of the province?

30. No?—Then in that case it will be a sort of sub-province.

31. You consider that that will be the next best?—I think so.

*Rai Bahadur S. C. Roy*: And anything other than that would be injurious to the interests of the people?

*Chairman*: I think, Rai Bahadur, you have carried this matter as far as it can fairly be carried. After all we all appreciate the interest which he and Dr. Kennedy and the other distinguished gentlemen take in the area. But you cannot ask everybody at a moment's notice to provide a new Constitution. That is the business of all of us to consider. I think you have got out facts which are important for us. You got out first of all the fact that in the view of these gentlemen they would not wish to see Chota Nagpur thrown back without any distinction. They attach great importance to its being kept separate and its problems considered separately. You also got out the fact that the best that could be devised would be separation so that the problems might be given full consideration without other things diverting attention. But whether it can be done by a Governor or a chief commissioner or a minister or the rest of it, if you allow me to suggest it, it is a very difficult constitutional question which I hardly think we can fairly ask these gentlemen.

32. *Sir Hari Singh Gour*: I understand you emphasise the one fact that these backward people require special consideration and consequently it does not matter what is the machinery for giving that special consideration provided that machinery is adequate?—Yes.

33. You will be satisfied with it?—Yes.

34. And your colleagues will be satisfied?—Yes. I may add one thing. In devising that machinery this should be kept in mind, namely that their self-respect should be maintained. They should not be made to think constantly, "I am an inferior and therefore I must not bother about it."

35. It must preserve their individuality and promote their self-respect?—Yes.

36. If these two conditions are fulfilled the rest of the machinery is immaterial?—Yes.

(At this stage Mr. Van Hoeck withdrew.)

37. *Rai Bahadur S. C. Roy*: Do you not think, Mr. Hubback, that under the present council the aborigines have no chance?—(Mr. Hubback): I think their interests are very liable to be neglected at present.

38. Is it not a fact that the aborigines appreciate the franchise and you had the largest number of voters attending the polls among the aboriginal constituencies?—Yes. I think the main reason for

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that is that they do follow the dictates of their headmen and their headmen understood that the Government wished to make a success of the elections, purely a numerical success.

39. Have you a personal knowledge of the motive which actuated them to go to the polls in large numbers?—I am afraid that is not first hand. That is only the impression gained by the election officers, though in some of the districts they did come forward no doubt from many other motives besides that, possibly as a civic duty.

40. But you do not know why the Chota Nagpur people came in large numbers to the polls?—The aborigines certainly polled a very large percentage.

41. Is it not a fact that they have a system of election of headmen amongst themselves?—Yes, in certain parts.

42. In the Ranchi and Singhbhum districts?—Certainly in the Kolhan; but I gather Ranchi does not so well maintain the system.

43. You have no personal knowledge of the Ranchi district?—No.

*Rai Bahadur S. C. Roy*: You say on page 350\* of the memorandum, "The local and central legislatures have shown signs on several occasions of treating the problems of the backward tracts from an *a priori* point of view, with little regard to actualities."

*Chairman*: What he says is that there are several occasions and signs of them have appeared.

44. *Rai Bahadur S. C. Roy*: Is not that because the members have no knowledge of the actual state of things in those tracts?—Certainly.

45. That is the reason?—Yes.

46. If we had a larger number of representatives from these tribal tracts, would not that improve matters?—It will certainly; it gives the council more information.

47. And if they had a council of their own, is it not likely that they would pass measures which would benefit them?

*Chairman*: If you excuse me the answer to that question is quite obvious if everything else is assumed. If you had a separate political organisation, if you could get the people together in one council, no doubt they will act together. It is no use spending time on such questions.

48. *Rai Bahadur S. C. Roy*: Is it not a fact that in this Council when outside members moved a resolution to abolish the restrictions on the election of president or chairman of district boards, and when another resolution was moved for the abolition of the Santal system, the members from Chota Nagpur stood up for the system?—Those members who had close touch with the aborigines certainly did.

49. So you agree that it would be harmful to Chota Nagpur to remain tacked on to Bihar?—I think there would be advantages in a separate province if it is financially possible. That is purely my personal opinion.

50. *Babu Lakshmidhar Mahanti*: With regard to Angul, am I right in thinking that Khondmal subdivision is geographically separate from Angul?—Angul district consists of two entirely separate blocks.

51. Apart from administrative convenience, the two parts are not common?—Khondmal is distinctly more backward than the other subdivision.

52. In Angul itself 77 per cent. of the population speak Oriya?—I cannot say off-hand.

53. I see from the district gazette here that in Khondmal 84 per cent. of the population are Khonds?—Yes.

54. Am I right in saying that up till now they have not got a high school?—I am afraid I am not closely acquainted with the administration of Angul to that extent.

55. There is no representative institution in Angul?—There is no representative in the council. It is outside the Reforms scheme.

56. There is not even a local board or district board or anything of the kind in that area?—There is no local board or district board in Angul.

57. And in spite of this it is run as an ordinary district, that is with a deputy commissioner, a sub-divisional officer and other machinery just as you find in an ordinary district?—No. For one thing it is at present under the political agent who also looks after the Feudatory States. It is classed with the Feudatory States in that way.

58. *Chairman*: I understand it is administered by the Government of India or on behalf of the Government of India and it is quite outside the area of any Governor of the province so far as the legislature is concerned. At present it does not elect a member and in that respect it is like the North-West Frontier Province?—Yes.

59. *Babu Lakshmidhar Mahanti*: Although the income is about 1½ lakhs the expenditure is more than 5 lakhs?—I think Mr. Tallents gave the figures the other day. It is something like that.

60. *Babu Chandreshwar Prashad*: This morning you said, Mr. Hubback, that seven out of the nine members coming from Chota Nagpur cannot really represent the interests of the aborigines?—(Mr. Hubback): It is something like that, I think.

61. Now, I would like to know from you how you have come to that conclusion? Is it merely your personal opinion about those nine representatives, or you have grounds for maintaining an opinion of that nature?—I think I have grounds; but that is my personal opinion.

62. *Babu Chandreshwar Prashad*: May we know your grounds?

*Chairman*: In regard to these matters of opinion, one is bound to base one's view on the impact of a whole series of things. It is very difficult, I think, as you know, to ask this witness to detail the grounds for his opinion which obviously is merely a personal view.

*Witness (Mr. Hubback)*: It is, as you say, sir, made up of a very large number of impressions which it would be very tedious to relate.

63. *Babu Chandreshwar Prashad*: Then, can you give me some idea as to the other people that are living in Chota Nagpur? According to the figure given in your book here, it appears that the aborigines are about 58 per cent. in Chota Nagpur?—(Mr. Hubback): I should suggest, if I may, sir, that the question should be asked of one of the non-official witnesses who have more close knowledge of the district.

*Babu Chandreshwar Prashad*: I thought I would be able to get that information more correctly from you, especially because in this book it is written . . .

*Chairman*: Will you please repeat the question? I believe you referred to the statement in the book that in the Chota Nagpur area the "Aboriginal and semi-aboriginal tribes . . . make up nearly 58 per cent. of the population." (Page 337\*.) And then I thought your question was as regards the balance?

*Babu Chandreshwar Prashad*: Yes, sir.

*Chairman*: What is it that you want to know?

64. *Babu Chandreshwar Prashad*: What is the constituent part of the balance?

*Witness (Mr. Hallett)*: As regards the balance, they are mostly all aborigines in origin, but they have risen in the social scale and they have become Hinduised. They are, as far as my experience goes, less intelligent and have less ability than Hindus of Bihar.

65. *Chairman*: What is the meaning of saying "they have become Hinduised"?—(Mr. Hallett): It largely depends upon the enumerator who makes up the figures in the census. Various methods are laid down for guidance in deciding as to who is aboriginal and who is Hindu, but generally those who were taken as Hindus are persons who have taken up certain parts of the Hindu religion, but they have not abandoned entirely their aboriginal religion.

66. *Babu Chandreshwar Prashad* : Therefore, you do not think that being merely Hinduised their interest is in any way adverse to the interest of the aboriginals in general?—(*Mr. Hallett*) : By saying that there is a large number of animists who have become Hinduised, it means that they are classed as Hindus and not as aboriginals. That takes away about 30 per cent. of the population. Then there is 10 per cent. of the Hindus who come in from outside and whose interests, as history shows, are more or less against the interests of the aboriginal tribes.

67. All the same they are people who have settled in that country—I mean the 10 per cent. who you consider are more or less against the interests of these aboriginals are settled in that country?—(*Mr. Hubback*) : Yes, they have settled in certain parts of that country.

68. And they too have some stake and some interests there?—They have interest, certainly, but I do not know about their stake.

69. It is quite possible that they are in a minority of 10 per cent. But anyway they have some interest and some stake there?—Certainly, yes. (*Dr. Kennedy*) : May I answer that? You said they have some interest . . .

70. I want to know whether they have, or they have not. It is for you to say?—(*Dr. Kennedy*) : Their interests are most frequently in opposition to the interests of the aborigines. That is the point that I should like to be brought out.

71. To make my question clear, what I want to know is not whether the interest that this minority possesses is standing adverse to the aboriginals or not, but the point is whether they have got some stake and interest in the place where they live?—(*Mr. Hubback*) : They own property there.

72. *Chairman* : This 10 per cent., what are they? Are they Bengalis?—(*Dr. Kennedy*) : They have a varied origin. A certain number are Rajputs, and a considerable number, an increasing number, are Bengalis of varied social positions. There are now a certain number of Bengalis who have acquired lands and who have mostly been connected in some capacity with the Law courts, and they have opportunities of acquiring lands; and there are the Marwaris and the Telis (oil-men) who have come in as traders.

73. Then about the other question, what part they do play in the area?—Some have come as traders?—Yes; that is the case with some of them.

74. Who does the money-lending?—Money-lending is chiefly done by the Marwaris and the Telis.

75. You say some of them have considerable stake there?—Most of them are petty landholders. Only a few have considerable estates. Then there are a number of various castes who have been retainers of the Maharaja, or some other landlords, and have been assigned some landed property on which they live. (*Rev. Joel Lakra*) : May I say a few words, sir? I think these non-aboriginal people in the villages generally are not landowning people, but they have been imported either from Bihar, or from other provinces, even from Orissa. There are servants and different other kinds of professional people among them. The Rajas, when they came there, brought these non-aboriginal people with them. They are dependent on the zamindars for their maintenance.

76. *Babu Chandreshwar Prashad* : Then my point was, do you think that the seven members out of nine who do not really represent the interest of the aborigines come from the class of this minority?—(*Mr. Hubback*) : Yes, I know it.

77. But at the same time you will probably agree that the percentage of aboriginal electors is much higher than this minority that represents only 10 per cent. of the population?—(*Mr. Hubback*) : If you look at the table at page 347\* you will see that in two or three districts the aboriginal electors have got a substantial majority of votes. For instance, in Ranchi 66 per cent., in Singhbhum 63 per cent., and in South Manbhum 52 per cent.

of the electors are aboriginals. In all the other constituencies they are in a rather considerable minority, and I take it that they do not all vote solid and therefore we may expect them to lose not only the seats where they form a minority of electors, but they might lose others as well. In fact they do not put up a candidate, except in Ranchi and Singhbhum.

78. Anyway, the percentage of voters here is much higher than the number of votes that might have been recorded from the 10 per cent. of the population?—Yes, they are generally wealthy people.

79. *Chairman* : If I turn to page 347\* I see, for example, that in the Santal Parganas the aborigines are 51 per cent. of the population. The non-aboriginals are therefore slightly less than half of the population. In the previous column I read that only 33 per cent. of the people on the electoral roll are aboriginals. Therefore, 66 per cent. are non-aboriginals. I did not understand you when you said that a majority of the population has a minority of votes unless you want to say that a minority of the population has a majority of the votes?—I am sorry, Sir, I misunderstood the question.

80. The question put to you was that the minorities are a still smaller fraction of the voters?—I should say that the non-aboriginals have a great many more electors than the aboriginals.

81. *Sir Hari Singh Gour* : Proportionately to their percentage?—Actually.

82. *Babu Chandreshwar Prashad* : When a question was put to you whether you consider it would be better for the aborigines that they should be represented through nomination or through election, you said that you consider it would be better through nomination?—I do not remember having said that. I was never asked a question about that.

*Babu Chandreshwar Prashad* : The point is this, sir. It was pointed out by you, sir, whether anything could be achieved by lowering the franchise of these places so that a greater number of aboriginals would come as voters, and thus ensure their number in the council, or whether it would be better for them to be represented by nomination, and the witness was asked which of these two would be safer for them. In answer to that, if I heard him correctly, Mr. Hubback said that he would prefer nomination.

83. *Chairman* : It is only a misapprehension and it is a good thing to get it right. Mr. Hubback, what is your view about that? Do you think yourself that it is desirable to preserve or increase the nominated representation of the aboriginals, or do you think that any more representation could be given by the method of election?—I think they are now sufficiently advanced to depend on a larger element of election in regard to their representation, but the question that I was answering this morning, sir, I think, was whether they could depend entirely on their elected representatives to look after their interests, or whether it was necessary to retain any form of safeguard . . .

84. *Chairman* : By nomination?—Not by nomination, sir, but by provisions of the Act.

85. That is a different point. I would rather agree with Babu Chandreshwar Prashad. I too thought that your view was that nomination, so far as it goes, should be preserved?—I certainly think that an element of nomination should be desirable.

86. And you think that the present nominated element is too big?—I do not think it is, sir. I should like to see more elected members too.

87. *Babu Chandreshwar Prashad* was only asking you whether, if you want more elected members, you could get it by lowering the franchise. Experience goes to show that though they have got an actual opportunity for returning members, they have not in all cases used their opportunity?—I am very doubtful what the result would be if you lower the franchise.

88. *Babu Chandreshwar Prashad* : Coming to nomination as . . . I do not think . . . have

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got a very effective system of organisation?—Not everywhere; by no means.

89. But at least in places where they have got it, if the village headmen are asked to supply Government with a panel of names for nomination, do you not think that there would be people who would be properly representing the interests of the aborigines rather than those who are nominated at random?—I think, possibly. I am not precisely aware how the nomination is carried out, but possibly the suggestion you make would be advantageous for getting a suitable nominee.

90. Are you aware of the Government ever getting a memorial or representation of that nature from these aborigines?—I have no recollection of ever having seen it.

91. You have admitted at least that two people are really representing their interests?—Certainly.

92. One is Rai Bahadur S. C. Roy and another is Babu Devendra Nath Samanta, who is a Munda himself?—Yes.

93. I find that last August, when speaking in the council, Babu Devendra Nath Samanta said: "Some two years back influential aborigines approached Government with a prayer that Government should be pleased to nominate some of the aborigines whom they named to represent their interests in the council, but Government paid no heed at all and nominated members according to their own sweet will to suit their own purpose"?—I am afraid I cannot say anything about that.

94. *Chairman*: I think the witness has already agreed that it might be a good plan if Government were invited to give their attention to the suggestion made by Babu Chandreshvar Prashad of the headmen being asked to supply Government with a panel of names to select a suitable nominee from?—(*Mr. Hubback*): Yes; I would not go further than that. It is merely my personal opinion, Sir.

*Babu Chandreshvar Prashad*: I would like to read out another passage from the speech of the same member, and should be glad to know if Mr. Hubback subscribes to that view or not. Talking about their grievances and their condition under the present system of Government—I mean by keeping them as backward tracts—Babu Devendra Nath Samanta says: "It is not because our grievances are not known to Government that they have not been redressed but because Government are not willing to redress them. We have firm belief that Government want that we the aborigines should be kept in the same state as we were a long time ago. The House will be surprised to learn that some three or four years ago the district authorities of Singhbhum, i.e., the then deputy commissioner at Chaibassa held the opinion which he had the honour to express in writing that it is undesirable that free studentship should be granted to the aborigines to enable them to prosecute their studies and to make them bad Babus." I wish these were not correct. It is simply because this man (Babu Devendra Nath Samanta) is supposed to represent the real interest of the aborigines and as he himself happens to be a Munda, I just wanted to place that before this Conference for their information.

*Rai Bahadur S. C. Roy*: That speech, sir, was in reference to the Government's power of nomination to the district boards in addition to the elected members the aborigines have got there, and then they sent up a petition to Government that so far as nominations were concerned Government might be pleased to nominate so and so.

*Chairman*: May I have the reference to the book you were quoting from?

*Babu Chandreshvar Prashad*: It is from the official report of the Bihar and Orissa legislative council proceedings, dated the 21st August, 1928, pages 316 and 317.

*Chairman*: The reference to nomination there is with reference to nominations to district boards according to the Rai Bahadur.

95. *Babu Chandreshvar Prashad*: The only other thing which I could not make very clear this morning and I would like to get from you now is this. Rai Bahadur S. C. Roy referred you to page 126\* of the bigger memorandum which has been submitted by our provincial Government. So I have only to ask you this much, if "landlords" include all those who have any interest in land?—(*Mr. Hubback*): It does not mean only the great landholders.

96. *Maulvi Saiyid Mubarak Ali Sahib*: Supposing, Mr. Hubback, the demand for a separate province or sub-province is not granted, what safeguards would you suggest for the aborigines mentioned at page 348\* of this small pamphlet (memorandum of the Bihar and Orissa Government on the backward tracts of Bihar and Orissa)?—Could you put me on to the particular passage?

97. Just before paragraph 25, on page 348\*. The passage runs: "... it is not surprising that the aborigines, where they are intelligent enough to appreciate the position, view with great apprehension the prospect of being placed without any safeguard under a council so composed." What safeguards would you suggest?—Well, the present safeguards I consider satisfactory.

98. You think that they ought to continue?—Something in that form, but if the Constitution of the province as a whole is changed the safeguards will have to be changed too. For example at present the reserved side of the Government can definitely put through, under section 72E, essential legislation on reserved subjects if the Governor certifies that such legislation is essential for the discharge of his responsibilities for that subject. But I am not at all sure that the result of this enquiry will leave that power untouched.

99. *Mr. Athar Hussain*: Is Chota Nagpur also a deficit area?—Yes.

100. *Chairman*: It would seem, Rai Bahadur, that the extract which was read out just now refers to nomination to the council and not to nomination to the district boards. A quotation is not the same thing as proving the independent truth of the fact. The statement that was made was: "Some two years back influential aborigines approached Government with a prayer that Government should be pleased to nominate some of the aborigines whom they named to represent their interest in the council." You think that means district council?

*Rai Bahadur S. C. Roy*: Then I am mistaken. I thought it was for the district boards.

*Chairman*: As they have only two nominees in the legislative council, "some of the aborigines" seems rather generous. However, it is doubtful. If necessary, we can have it looked up.

101. *Sir Hari Singh Gour*: I wish to ask this question first. You say on page 348\* that the safeguards you have got at present are quite sufficient. These safeguards I think are the safeguards which are referred to at page 353\*, is it not so?—Where is the passage?

*Sir Hari Singh Gour*: On page 348\*, paragraph 24, last line.

*Chairman*: It does not seem to me that it says so.

102. *Sir Hari Singh Gour*: Mr. Hubback was asked by my friend on the other side what were the safeguards he would suggest, and he said that the present safeguards were quite sufficient. Will you (*to Mr. Hubback*) kindly tell us briefly what are the safeguards which exist at present?—Well, in the first place, Angul is kept out of the Reforms completely. In the second place, the Santal Parganas on the legislative side is open to positive legislation by regulation. The Santal Parganas is also, under section 52A, subject to the negative action of the Governor or the Governor in Council, that is to say, the reserved side of the Government, in preventing legislation of a general character passed by the legislative council from being extended to it.

103. Limiting the operation?—Limiting the operation of Acts of the legislative council, and also limiting in particular the operation of special Acts, Acts confined to the territories. There is also the power to which I have just referred, which is a general power under section 72E by which the Governor can in effect pass legislation which he considers absolutely essential in the face of his council, on reserved subjects.

104. Is that what you mean at page 353? You say there: "It is perfectly true that the system is one of personal rule, and that it is open to attack on the stock grounds."?—No. The Santal Parganas are much more protected than the Chota Nagpur districts. I certainly wish to maintain the present protection for the Santal Parganas, but I do not wish to extend the Santal Parganas system to all and every part of Chota Nagpur. I should like to see it extended to the Kolhan.

105. Have you got in your province, or at any rate in Hazaribagh, what are called serfs? I will just read this passage, because you will then be able to understand the context. It is in paragraph 12, page 338\*. "In a large part of this district, as in Palamau, the power of the landlord over his tenants is very great, in spite of the protection which the tenancy law affords, and there is in both districts a large body of agricultural serfs. These serfs, known as *Kamias*, are persons who for a loan of a few rupees have bound themselves, and not infrequently their families and descendants, to work for a particular master until the debt is repaid. As they seldom have any chance of earning any money, and their labour brings them nothing but their bare upkeep, the repayment is indefinitely deferred. The sale and purchase of *Kamias* is carried on under the guise of taking over their debts." Now, that is a system prevalent in this part?—That is in Hazaribagh and Palamau districts.

106. But, what have your Government done to stop this system?—The answer is on page 338\*. "An attempt was made in 1920 by the pre-Reforms Government to break down the system by enacting that the *Kamia* bonds could not be enforced in the courts. . . . The success of that Act has been very small, since the *Kamias* are still far too ignorant and depressed to appeal to the courts."

107. That is to say, beyond passing a small Act, you have not taken any executive action to put down this? This is clearly within the meaning of slavery as defined in the Indian Penal Code?—I take it from you that it is.

108. You have not taken any action to save these people from their bondage?—Well, one or two things have been done. A sub-division was specially created in Palamau district about the same time as this Act was passed in order to watch the situation there and do what we could. But if people will not complain it is extremely difficult to remedy this state of things.

*Chairman*: A long-standing social custom is very difficult to alter, but it is a very distressing state of affairs.

*Sir Hari Singh Gour*: Very akin to that is the system of forced labour, the *begar* system, under which you force a man to work without paying him anything.

109. *Chairman*: I wonder if you would ask Dr. Kennedy about this, or shall I ask him. One has heard in various parts of the world about this system, this curious system of bondage. What is your experience about it?—(*Dr. Kennedy*): I know of it in both these areas, in Palamau district mostly, but to some extent in Hazaribagh also. Bonds are signed which bind a man to serve his lifetime, sometimes binding the children to serve, in repayment of a debt or advance.

110. *Sir Hari Singh Gour*: The debt is transferred?—No, they cannot. If the property of the zamindar

or the person with whom the bond was executed was to pass from his hands, that would be the case.

111. An open traffic in slaves?—He would not sell the bond. I have not known a case of a bond being sold; but if the land passes into the hands of somebody else the *kamia* would pass with it.

112. *Chairman*: It really is rather different from what is called slave trade, but it is an analogous system which many people are greatly concerned about. Might I just ask this of you. Has the system in your experience extended or has it become less, or is it the same as when you began first working in this mission field?—It has become less to a certain extent in the Hazaribagh district. I am not quite so intimately acquainted with Palamau district, but at a missionary conference that we had lately we discussed this subject and the missionaries who brought it up there said that they did not think that in spite of the Act of 1920 it really had diminished at all.

113. *Sir Hari Singh Gour*: Would you please oblige the Conference by telling us as to how far the system prevails? How many cases occur? To what extent does this system of serfdom prevail in the district of Hazaribagh and neighbouring districts?—I could not possibly estimate the number of cases.

114. In general?—Quite generally, over a considerable tract in the Palamau district.

115. We will put it in this way. Every second or third landholder has serfs of this kind?—(*Mr. Hubback*): It prevails over a great part of Palamau. I can give you the precise figures from the settlement report.

116. *Sir Hari Singh Gour*: Thank you. My next question is as regards the *begar* system. You have a system of forced labour here; you ask a man to give labour for nothing?

*Chairman*: Is that peculiar to the particular area we are investigating?

117. *Sir Hari Singh Gour*: Yes. (*To Witness*): You have got the *begar* system here?—Yes.

118. To what extent and where is this prevalent?—(*Mr. Lenman*): I have a note here which was sent to me by the Scottish missionaries working in the Monghyr and Hazaribagh districts and they specially asked me to bring this matter before the Commission. Under the heading "*Begari* forced labour and the *Kamia* system," they say: "A grievous complaint on the part of aborigines is that they are sometimes compelled to give free labour to their landlords or creditors under threat of eviction or other consequences if they refuse. They know that this forced labour is illegal, but it is customary, and the force of custom is stronger than the force of law. We suggest that the law should be more rigidly applied in order to prevent all forms of forced labour; we urge also that steps should be taken to abolish the *kamia* system by which a man pledges his labour for an indefinite period in payment of interest on a loan—the creditor refusing to accept repayment of the principal lest he should lose the man's services." It is very common in the district in which the Scottish missionaries work. It is not usually prevalent in the Santal Parganas.

119. There is a statement in the proceedings of the legislative council that even the Government resorts to the *begar* system?—(*Mr. Russell*): In the Damin-i-Koh portion of the Santal Parganas where the indigenous system of local self-government is working, the *parganails* are charged with the maintenance of the village roads and they perform that under their own arrangement by village labour for which Government does not pay. That is the extent of the so-called forced labour.

120. So, you have got it?—You can call it forced labour if you like.

121. *Rev. Lenman*: Is it not in consideration of the fact that the rent charged is very low?—(*Mr. R. E. Russell*): Yes, among other reasons.



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122. *Sir Hari Singh Gour* : On page 364 of your legislative council proceedings I find that Maulvi Abdul Bari says that forced labour has led to rebellion?—(Mr. Russell) : That is entirely untrue. I was deputy commissioner for four years in that district, and I have only had one complaint about *begari*, and that was because the headman distributed work unequally between the various villagers.

*Chairman* : That shows the advantage of evidence as compared with quotations.

123. *Sir Hari Singh Gour* : May I just ask you as to what estimate you have formed of the intelligence of the aborigines? Do you think it is sufficiently high to be trusted with a measure of self-government? Have they the natural intelligence and aptitude for self-government?—(Dr. Kennedy) : They have very good common intelligence, but their education is only a comparatively recent matter. There are a certain number of them who have now risen to important positions, deputy magistrates, and so on, in government service, and there are a certain number of them who are quite fitted to take part, but I do not think there are enough of them to man a province.

124. The intelligence that they have got, you think, would justify a measure of reform in the direction of self-government being extended to them also?—The number of people who are fitted for it would not in my opinion justify it.

125. Of course they cannot have a self-contained province manned by themselves. But they have got sufficient intelligence and aptitude for political work to justify being given the same chance with the rest of the people in Chota Nagpur to return their own representatives to the local council?—You first asked me to say whether they have sufficient intelligence to be trusted with a measure of Reforms and now you are asking me whether they have sufficient intelligence to vote. They have quite sufficient intelligence to vote and to understand any issue put before them.

126. They understand the value of the vote?—Yes, a certain number of them. You should not go too low down in the scale.

127. *Sir Hari Singh Gour* : In other words, if we can form an electorate, you think that there would be no difficulty in getting a sufficient number of people to vote for the members of the local council?

*Chairman* : I do not think that is the effect of the evidence given. I understand (I may be wrong) that Dr. Kennedy in his document says that he is in general agreement with the views that are expressed by the Bishop of Ranchi. What the Bishop of Ranchi says is this : "Education is bound to remove gradually this weakness, (that is to say, to fit them to keep their rightful position) as a matter of fact, education is making great strides among the aborigines. But it will take still some years before education produces its civilising effects. As matters stand now, an illiterate Bengali is more wide awake, more civilised than an aboriginal who has completed the primary course of schooling, or even the secondary course. The illiterate Bengali indeed obtains all the advantages arising out of his civilised surroundings; the educated aboriginal loses much of the fruits of his education on account of the backward society in which he lives."

*Sir Hari Singh Gour* : This memorandum deals with education, while I am dealing with intelligence.

*Chairman* : I am sorry. I thought you were suggesting to him that they were qualified to vote.

*Sir Hari Singh Gour* : I simply wanted to know whether they have intelligence.

128. *Chairman* : The question is, have they got natural intelligence and if education is given to them can they make use of it?—(Mr. Lenman) : So far as Santals are concerned they receive their education under a very severe handicap. They have to imbibe their education through the medium of a foreign language. Their own vernacular is Santali and the vernacular here is Hindi; the difficulty is not that

Hindi would not be a useful vernacular to learn but that the Hindi which is taught is totally different from the Hindi which is spoken.

129. *Lord Burnham* : I wish to put one question to the spokesman of the deputation so as to clear up the matter finally. Supposing that no proposal is adopted to constitute a separate province of the district of Chota Nagpur and the rest, would he prefer to remain under the existing restrictions about which we have heard so much this afternoon or not?—(Rev. Joel Lakra) : By "restrictions" do you mean restrictions to protect our people?

130. I mean the provisions which ensure exceptional protection by virtue of the action either of the Governor General in Council or the Governor in Council, to what are called the backward tracts with which we have been dealing?—I personally feel that the present protection amounts to almost nothing.

131. *Chairman* : Let me put it this way : Would you like the legislative council of Bihar and Orissa to be freely entitled to repeal the existing Tenancy Act of Chota Nagpur without any interference by the Governor or the Governor General?—No, sir.

132. Do you think that the protection which you need and which makes it impossible for such an Act to be passed except with the special assent of the Governor General or the Governor is of any value to you?—There is some value.

133. *Dr. Suhravardiy* : In view of the fact that you have returned to the council a gentleman from Bengal, would you prefer, under the present conditions, if no separate province is likely to be created, to be a part of Bengal or a part of Bihar?—To that question I think I might say this much that we would benefit more if we are connected with Bengal.

134. *Sir Hari Singh Gour* : What is the view of your deputation? Do you want to be continued to be classed as a backward tract?—By calling it a backward tract if you were to stop the wave of self-respect and independence which may be developed, we would certainly not like to be classed as a backward tract.

135. You do not like protection if it will encroach upon an extension of your rights?—I think there is a confusion about protection. The deputation feels that not only we want protection but that our rights should be respected.

136. What will you prefer, a paternal or a popular government?—We would like a popular government to as much as we would have a representative system of Government, by an elective method, and a paternal one in the sense that the Governor and other officials of Government should be in more direct and sympathetic touch with the people.

137. *Raja Nawab Ali Khan* : You want something like the Land Alienation Act of the Punjab?—I do not know about the Punjab.

138. You want something to preserve your lands; they should always remain with you or you can only sell them to another member of your community?—Yes.

139. *Rai Bahadur S. C. Roy* : If you have a separate government of your own, would you not preserve such restrictions as may benefit your people?—Yes.

140. *Babu Chandreshwar Prasad* : I gather that the members of your deputation are most anxious to save and preserve your lands?—Yes.

141. Your claim is that you are the original people of Chota Nagpur and Santal Parganas and you have developed the villages; as a matter of fact you were something like peasant proprietors. Now you find that somehow or other some of your lands are being alienated or taken away either by sale or by some other way by other people who are Bengalis, or Biharis or Marwaris. So your anxiety is to preserve these lands for yourself. If some law could make it possible that the lands will never go to anybody else except to the aborigines—if some such law or safeguard could be made in a Constitution—then would you like to be brought for all other purposes to the same level as the people of the other parts of the province? Would you like to have all the advantages

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[Continued]

which the other people of the province have got?—We want not only protection of our lands but we want to be treated as quite a separate people by ourselves.

142. My intention is only this much. You know the Commission is here to consider what sort of constitution would best suit you and you have come before us to say what would best suit you. We want to know whether your greatest anxiety is for the protection of your lands or whether there are any other special things which you want should be dealt with in a different manner from the rest of the province?—Yes, there are many things. Our judicial system should be quite different; our educational system should be different. The Government must concentrate its attention on the development of our people. We are now almost neglected by the Bihar and Orissa Government; the name of Chota Nagpur has been taken away from the province; we do not exist, so to say.

143. *Sir Hari Singh Gour* : You want more money for education?—Yes, for education, for the develop-

ment of agriculture and other things which are connected with our country.

144. *Babu Chandreshwar Brashad* : You said that you want a different educational system. Have you any idea as to what difference it should have from the ordinary course of education that is being imparted in the other parts of the province?—I think our education must be according to our social needs which are quite different from those which obtain in Calcutta or in Patna; we want to adapt our education to our social conditions and needs so that it may fit us more for our struggle in life.

145. *Chairman* : Have you got a written language?—Yes.

146. Recently people have got some character which reproduces the sounds, but have you, traditionally, any written language?—No.

147. *Maulvi Saiyid Mubarak Ali Sahib* : I understand from you that you would like to have a peculiar form of government which will suit your own particular purpose. Is that so?—Yes.

### Memorandum submitted by YADAVA (GOPA) MAHASABHA.

I beg respectfully to offer you on my own behalf and on behalf of the deputation representing the Yadava (Gope, Ahir) Community our most respectful and sincere welcome to this ancient city, which was the metropolis of the Mauryan Emperors. Pauranic Texts and Historical Researches testify to the part which the ancient Yadava (Gope) Community played in the political and religious activities of the Hindu history of that period. References to the past glory of our ancestors are, we admit no solution for the social, educational and political difficulties that have so long depressed this one of the most ancient castes. We have full faith in the justice which you and your colleagues will endeavour to do to the cause of Indian Political Reforms; and our faith is equally strong in the sense of your duty towards the millions of the down-trodden subjects of His Majesty the King-Emperor, whose political future is entirely in your hands. To raise educationally and politically the Yadava (Gope) Community and other equally indigent and backward castes inhabiting this Province is, we believe, one of the missions entrusted to you, by the Command of the King-Emperor, and the British Parliament.

Our Community represents about one-tenth of the total population of Bihar and Orissa and is second only to the Mahommadans. It is one of the *bona fide* cultivating castes, and physically one of the sturdiest and strongest races. To that extent the Government has a great potential man-power in our Community, which was considerably utilized during the late war. The demand being made by Government for recruits for the army the Community made a ready response by immediately organising a special Ahir Recruiting Committee and incurred expenditure according to their humble means. Our community has always since then acted on the side of order.

I beg humbly to submit the following, being the minimum concessions, which your kindness and sympathy has encouraged me to formulate for the educational and political amelioration of our Community:—

I. That my Community believes in the gradual grant of Self-Government culminating ultimately in the Dominion Status within the British Empire, as a very very large percentage of the population is extremely backward in Education and, therefore, politically depressed. It further prays that in any further instalment of Self-Government, the interests of this Community should be properly safeguarded. Unless it is done democratic institutions will benefit the few advanced castes and communities.

II. That there should be an adult male suffrage. Sufficient provision should be made to safeguard particular interests, communal, local, social and economic. A sufficient number of seats should be reserved for the Yadava (Gope) Community so long as their representation on the legislative bodies be not reasonably adequate due to their educational backwardness and also to influential parties exploiting the suffrage for their own political ends.

III. That there should be Provincial autonomy with a second chamber subject to the interference of the Central Government in case of misgovernment and also in matters affecting peace and tranquillity of the Province and the Country. The Executive should be made responsible to the legislature.

We subscribe to the scheme of the election of members of the Lower Chamber as proposed by the Hon'ble Sir Ganesh Dutta Singh, Minister of the Local Self-Government, Bihar and Orissa. This indirect election should continue for some years till the general voters are sufficiently educated in their sense of duty as electors.

The Higher Chamber should consist of members directly elected by the electors; their qualifications being made higher than the qualifications of voters for the existing Legislative Council. Nominations of officials and of members representing particular interests should continue.

IV. That the local self-governing institutions should continue to be mainly elected bodies. Nomination of persons on such local bodies should be on the ground of particular interests and expert knowledge. The control of the Provincial Government should be effective in case of mismanagement and abuse of powers.

V. Justice should be made cheap by extending the Village Administration Act to the utmost extent, Government Officers supervising and exercising control with a view to minimise the cases of abuse of powers.

V. (a). The strength of the Indian Army should be increased. Yadvas (Gopes) of this Province should be enlisted in all armies and granted King's Commissions; their proportion being based on population in comparison with other military castes.

VI. The representation of this Community in the various services under Government being a negligible number, qualified Yadavas (Gopes) possessing minimum qualification prescribed by the Government should be given preference continually for some years till the Community is fairly represented. Hitherto



## MEMORANDUM SUBMITTED BY JADAVA (GOPA) MAKASABHA.

[Continued.]

Government service has been the monopoly of the few influential castes.

VII. The primary education should be made free and compulsory. In secondary and higher education a certain number of scholarships should be reserved for the poor deserving students of this Community; also free studentships be reserved for the boys and young men of our Community.

### Memorandum submitted by the ALL-INDIA YADAVA MAHASABHA.

We, the members of the All-India Yadava Mahasabha, deem it a great honour and privilege to lay our humble petition before your Commission. The most liberal, enlightened and sympathetic wielders of our destinies have deputed you to make suggestions for the administrative reforms for this country. You are the sworn friends of the backward and helpless communities, the great champions of the minority. Our body represents all the sects of the Yadavas: Yadu Ahir, Gwala, Gopa, Idayan, Ahar, Nomda, Hayahaga, Gowli, Gola, who do not number more than two crores, which are a minority of the Hindu population, and are held as a backward community. We therefore have a double faith in your sympathy and integrity.

Before, however, setting out in detail the views of our community, we beg to ask you to peep at our history and see how the ancient Hindu History is loud in its praise of the Yadavas. Hundreds of Yadava kings ruled over India for centuries together. In the time of the Mighty Aurangzeb, Yadavas supplied Governors, built ports and furnished soldiers. The troublesome days of the Sepoy Mutiny found in them all over the country unceasing adherents and ready supporters of the British Government. The Yadava soldiers had fought with zeal, pluck, devotion and valour on all fields of active action and had consecrated foreign soil beyond the seas with the purest Krishna blood.

The Yadavas, true to the blood of their forefathers, are, in spite of their indigency and the other untoward circumstances, physically very strong and in every part of this country they afford protection to the weak, thus constituting the most effectual man power in India, on which the deep rooted and affectionate British Government may reckon upon in any emergency.

Despite the great and meritorious services rendered by this martial clan, it is still one of the most backward communities. The absence of its representation in the legislatures, the scarcity of its numbers in the lower and higher grade of Civil Service have all contributed towards the poverty and misery of its people. The cost of education prevents parents of ordinary means from giving the requisite amount of education to their children. The cost at which Justice is granted in India is beyond his means. His repeated solicitation for military service bring him no happy reply and it is but incumbent that the earliest steps be devised in his rescue and amelioration.

The following are the recommendations which we the representatives of the All-India Yadava Mahasabha submit for your most generous considerations and

I. (a) There should be an universal suffrage based on a residential qualification.

(b) There should be a direct election on the principle of proportional representation.

(c) Particular interests, communal, local, social and economic may obtain adequate representation, by a system of a second vote for business premises, professions and university men. The representation of minority may be introduced by allowing each voter to cast only one vote according to the system of preferential, transferable voting, where more than one member is to be elected.

In conclusion, I beg respectfully to submit that the Community is extremely grateful for the honour done to it by permitting it to represent its case through the deputation. I hope that the interest of this large population in the Province will receive adequate consideration in any recommendation that you may be pleased to make for the grant of political rights and privileges to this Province and the Country.

(d) The existing parties are not real political units, differing with one another on any grave policy question. All parties are unanimous in their fundamentals. The parties are now tending to be formed on communal basis.

(e) The public has become keenly interested in all public questions; there is nothing of importance which escapes the criticism of the educated Indian to-day.

(g) The number of officials should be 15 per cent. and among the non-officials Yadavas and other minorities should have reserved seats in all legislative bodies in proportion to their population in each province.

II. The necessity of enlarging certain provinces is strongly felt. The extension of self-governing institutions to other areas than the nine provinces is also extremely desirable.

III. The local self-governing institutions should be made purely elected bodies with full control over the transferred subjects within their jurisdiction. The officials of the provincial government should have a minimum control over these bodies. The only justification for the interference of the government officials should be when the peace and tranquillity of the self-governing areas so demand. There should be a separate purse for the local self-governing bodies.

IV. As the provinces are taken to be the first convenient areas for the experiment, in responsible government in India, it is desirable to give more scope to the legislative councils and the ministers. The number of the transferred subjects should be increased and the purse for the two subjects be separated. Joint responsibility of the ministry is extremely desirable.

V. The necessity of making the executive responsible to the legislature is strongly felt throughout India and we strongly recommend that executive should be made responsible to the legislature.

VI. The provinces should be made autonomous as far as possible. The interference of the supreme government should only be justified when the peace and the tranquillity of the whole India demands an interference.

VII. (a) The Reign of Law should characterise British India.

(b) Justice should be made cheap in respect of time and place.

(c) Strength of the Indian Armies should be increased.

(i) Yadavas should be enlisted in all Armies and granted King's Commission.

(ii) The number of their soldiers should be in proportion to the other military castes and in proportion to Yadava population.

IX. Deserving Yadava students should be elected continually for some years for the different Civil and Provincial Services until the community is fairly and adequately represented in various executive and judicial departments of the government.

X. Primary and secondary education should be made free and compulsory.

In conclusion, we pray that our above-mentioned demands may be carefully considered, keeping in mind our large population and the meritorious military services.

**Memorandum from Dr. R. V. KHEDKAR, YADAVA, M.D., F.R.C.S., VEDANT BHUSHAN, Vice-President, ALL-INDIA YADAVA MAHASABHA.**

We beg to state that the All-India Yadava Mahasabha is a representative body of the Yadavas, an important community among the Hindus whose population comes to about two crores; viz., one-tenth of the total Hindu population. The Yadavas are named by different names in different provinces.\* We are submitting for your information copies of the proceedings of this Mahasabha for the last four years. We request that among the Hindus the claims of our community may be given due consideration, and in public services, public administration, public forces and in district, local and municipal boards, councils and assembly we may be given separate representation strictly in accordance to our population with power to vote for and send our own members like the Sikhs where questions of election to representative bodies are concerned. We may be permitted to vote for our own members or our seats be reserved in all public bodies from a local board to the assembly in proportion to our population.

We beg to submit that among the Hindus the public services have been the monopoly of only two or three castes. We are not represented at all in public services. We therefore request that due regard may be paid and our men be given appointments both in gazetted and non-gazetted grade in (1) Indian Civil Service, (2) other All-India services and Provincial service, etc., strictly in accordance to our population. Even where selection is made by a competitive examination, due regard may kindly be paid to our men and those may be selected from our community who secure the highest marks among the candidates of our community. We request that among the Hindu candidates the same consideration be paid to the candidates of our community in competitive examination as is done with the Non-Hindus in such examination in comparison with the Hindus with a view to give the Non-Hindus a chance of rising and getting their proportionate representation. A similar consideration is also necessary by the Government to give all the communities in the Hindus equal chance of making themselves fit. If such a consideration among the Hindus is not paid by the Government the result will be that only those communities which have risen owing to some favourable circumstance will go on rising and the other communities will never get a chance.

We therefore submit for your consideration that the recruitment in public services should be strictly made on communal basis in accordance with the population of a particular community and we want to draw your special attention to one particular point, viz., among the Hindus the recruitment be started on communal basis. So far when the communal question is raised to make a proportionate representation in matter of recruitment, three classes are checked, viz., (1) Hindus, (2) Muslims, (3) Christians; but the attention of the Government has not been drawn to the fact that among the Hindus only a few selected communities are benefited whose population is very small and the masses are left out. To this important point we draw your special attention and request that all the communities should receive equal con-

sideration and the Yadavas should receive their due share. We suggest the maintenance of a periodical check to keep the uniformity of proportionate representation in public services. This check be carried out by the Central and Local Government and heads of Departments according as the appointment relates to Central and Local Government or is under the head of a particular department. Under the Imperial or Provincial Service the introduction of such a check would be most beneficial and would effectively check the overwhelming majority of one particular community in any particular service. There is already order of the Government of India that no class or community should represent an overwhelming majority in any particular Government service; but this order is not practically followed since there is no check and the result is that only two or three communities among the Hindus are over represented and other communities are left out. We therefore suggest the introduction of strict check as an imperative measure with a view to safeguard the interest of all the communities and hope that commission will pay due consideration to our suggestion.

With regard to Indian education we say that primary education should be made free and compulsory and the present system is most defective inasmuch as it does not give the students a chance of earning their livelihood by independent means beyond services. It also makes them physically weak as many other unnecessary books are prescribed as text-books in the course. We therefore suggest that technical education may be given on a more extensive scale and such arts may be taught as to make them fit for living an independent life. We also suggest that military training should be made a compulsory subject in the school.

We also submit for your information that the Yadava community is a very loyal and faithful one. It has always co-operated with the British Government in times of need. In this connection attention is invited to pages 24 to 26 of the All-India Report, 1925 (enclosed)\* in which various Governors have acknowledged the faithful services of the Yadavas. In consideration of this we request that you will kindly have special regard for our request as contained above and hope that our claims will be favourably considered.

We further request that in the military department, like the Rajputs, Gurkhas, etc., separate regiments of the Yadavas may be ordered to be maintained and that a suitable number of the Yadavas may be appointed Commissioned Officers in the Army.

We request that in the Military College at Dehra Dun and also at Sandhurst two Yadava candidates may be annually selected by Government to make themselves fit for serving as Military officers and special concessions may be granted to them.

Many members of the All-India Yadava Mahasabha will give evidence if called by the Commission. A deputation of the All-India Yadava Mahasabha will meet you when you next visit India.

We are representatives of the All-India Yadava Mahasabha.

\* Alico, Gope, Yadawas, Idaiyan, Sadgop, Goal, &c.

\* Not printed.

## PATNA.

Dated 18th December, 1928.

## PRESENT :

ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL COMMITTEE (EXCEPT MR. KIKABHAI PREMCHAND AND RAO BAHADUR M. C. RAJAH), AND OF THE BIHAR AND ORISSA PROVINCIAL COMMITTEE.

Deputation of the PROVINCIAL YADAVA (GOPA) MAHASABHA and the  
ALL-INDIA YADAVA MAHASABHA.

The Deputation consisted of :—

Provincial Yadava Mahasabha.

1. Rai Sahib Sri Ballabh Das, Zamindar and Honorary Magistrate, ex-President, All-India Yadava Mahasabha and President, Executive Committee—(Spokesman).
2. Babu Navadwip Chandra Ghose, M.A., B.L. High Court Vakil, Patna.
3. Babu Swayambar Das, B.A., B.D.E., District Inspector of Schools, Patna (Spokesman).
4. Babu Ramdhani Lal, Merchant, Ramdhani Lal—Sita Ram Firm, Patna City.
5. Babu Sipahi Bhagat—Proprietor, S.B. Dairy Farm, Dianapur.
6. Babu Keshava Prasad Mandal, Zamindar, Madhapura, Bhagalpur.
7. Babu Srimant Narain Kirhary, General Secretary, Yadava (Gopa) Mahasabha, B. & O., Bhagalpur. (Absent).
8. Babu Bhuwaneshwari Prasad Mandal—Zamindar Madhapura. (Absent).
9. Babu Ganapati Mandal, B.A., B.L., Pleader, Bhagalpur.
10. Subedar Bahadur Gumani Ram (Retired) Shahabash. (Absent on account of illness.)
11. Babu Raghubans Prasad.
12. Babu Jamuna Prasad Rawat.
13. Babu Rajdeo Sinha.
14. Babu Harbans Narain Sinha.
15. Babu Lalit Narain Mahoon.
16. Babu Ambica Prasad.
17. Babu Munshi Mandal.
18. Babu Ganesh Das, Orissa. (Absent).

All-India Yadava Mahasabha.

1. Dr. R. V. Khedkar, M.D., F.R.C.S., D.P.H., L.M., L.R.C.P. & S., L.F.P. & S., Vedant Bhushan (Retired) Civil Surgeon and Lecturer in Surgery, Grant Medical College, Bombay, Ex-President, All-India Yadava Mahasabha and President, Yadava (Gopa) Mahasabha, B. & O.—(Spokesman).
2. Babu Navadwip Chandra Ghose, M.A., LL.B., High Court Pleader, Patna, Behar.
3. Bala Prasad, B.A., Zamindar, Kamptee, C.P.
4. K. Khamani Singh, Rais and Zamin-dar, Mooradabad, U.P.

64. *Chairman* : We have two documents dealing with this matter. One really reached us from the United Provinces. It may be that the Provincial Committee may have a copy of it, but it is much to the same effect. It is U.P. 481, and the other is a document of this province, B. & O. 900 (Memorandum from the Yadava (Gopa) Mahasabha Bihar and Orissa). Now Mr. Khedkar, you, I think are representing not the Provincial Mahasabha?—No, sir, All-India.

65. And you, I think, Mr. Sri Ballabh Das, are the spokesman for the Provincial Mahasabha;—No, sir.

66. To which of you, gentlemen, could I address a question or two?—(Babu Swayambar Das) : I have been given the honour, sir.

67. I am very glad, Mr. Swayambar Das. Now, do I understand that these different names which one sees in the document, Rai Sahib Sri Ballabh Das,

Babu N. C. Ghose, etc., really refer to the very large Hindu caste of Gowalas?—Ordinarily we are called Gowalas, but we have discarded that name and have adopted the ancient name of Yadava. Of course, Yadava includes Gopas and Ahirs in this province. These are the names by which my community is known in this province.

68. Is it more than one caste?—No, sir.

69. One great caste?—Yes, sir.

70. In point of size, numbers, in this province, how do they compare with other Hindu castes?—It is the biggest; the next biggest caste is the Brahmin.

71. It comes to this then, that this is the biggest Hindu caste in the province?—Yes, sir.

72. Looking at the census report I see that Gowalas are put down as over three millions. Is that right?—Yes, sir.

18 December, 1928.]

DEPUTATION OF THE PROVINCIAL YAVADA (GOPA)  
MAHASABHA AND THE ALL-INDIA YADAVA MAHASABHA.

[Continued.]

73. Brahmins are put down at 1,800,000 odd and Chamars at over a million. So, your caste is the biggest of all?—It is about twice the number of the next biggest caste.

74. We have all looked at your document, and I have just picked out two things from it. You refer on page 455 to your support of a scheme for the "election of members of the Lower Chamber," which as a matter of fact has been put forward personally by Sir Ganesh Dutta, Minister for Local Self-Government in a personal memorandum.† It is a method of indirect election. Now, just tell me in your own words what is the scheme in outline which you approve of?—In each village the voters will elect one or two men from among them, and they will be delegates for the election of members for the Lower Chamber.

75. So, you would have a sort of primary constituency which would consist of headmen or the like, and these selected persons would vote for a member. That is the sort of scheme?—Yes.

76. Would you mind just telling the Conference—we need not argue it—but tell us why you think that system is one which your Mahasabha would be prepared to support?—We pray for adult male suffrage, as the number of voters would be otherwise very large, and perhaps it will be impracticable for the election officials to control so many.

77. Is this your idea, that the primary electors, headmen and so on, would be elected in the first instance on the principle of adult suffrage?—Yes, sir.

78. And then the persons so elected would in their turn elect the members?—Yes, sir.

79. Now, the other point which I was going to pick out is about paragraph 6. You say that the representation of your community, the Yadavas, in the various services under Government is very small? Yes, sir.

80. And you suggest that the balance should be redressed by giving preference continually for some years to members of your community?—Yes, sir.

81. Speaking generally, what are the members of your community engaged in?—What is their class of occupation?—They are cultivators in this province. I have said in the memorandum that we are *bona fide* cultivators; we are one of the cultivating classes.

82. You are not, as I follow, one of the five highest castes, but, of course, you are higher in scale, this great community, than the lowest class; You are in the middle?—We are regarded below the four higher castes (Brahmans, Babhans, Rajputs and Kayasthas); yes, we occupy the middle position between the higher and the lower castes.\*

83. As a matter of fact, as things are now, are there any members of your caste who are members of the council?—No, sir.

84. If you are so numerous as three million and are *bona fide* cultivators, as I have no doubt you are, carrying on agriculture successfully, how is it, when you attach so much importance to your own participation in public life, that no member of your caste ever been elected?—There are very many influences working against our members being returned.

85. Even as things are now, the franchise in the rural districts is such as gives a vote to a great many of the cultivators. Is not that so?—Quite so.

86. And I suppose a very large number of members of your caste have votes?—Yes.

87. Why do they not use them to return somebody of your own caste if your caste is so anxious to be represented?—There are many influences working against our members being returned. There is the zamindar's influence and then there are the political exploiters.

88. What I feel sometimes when I hear that statement is that political exploiters will not be very successful if other people refuse to be exploited. In

the long run, you know the exercise of constitutional liberty largely depends upon people having enough?—That is due to our backwardness in education and also poverty. Very few of us are in Government service; we cannot exercise influence on our own electors.

89. *Sardar Shivdev Singh Uberoi*: May I know whether any members of your community ever stood for election?—Yes.

90. But they have not yet succeeded?—No.

91. *Babu Chandreshwar Prashad*: Might I point out, sir, that in the first council a candidate of their community was returned?

*Witness (Babu Swayambar Das)*: Yes, sir.

92. *Chairman*: How does your great community get on in the matter of electing members to district boards?—Not so well as we would wish, but still there are members in these bodies.

93. Is there anything, Dr. Khedkar, which you wish to add?—(*Dr. Khedkar*). I would like to add that we should have reserved seats in all the services and the council because our men are very backward and they are under the influence of other people.

94. You will excuse my pointing out, Dr. Khedkar, that whatever may be said for the method of reserved seats if it is applied in some very exceptional or critical case, it is not a method, I imagine, which you think can be applied indefinitely, and again and again to every sub-division of the community that anybody can think of. It is desirable—is it not—as far as possible, to encourage citizens to share their powers of responsibility with their neighbours even if their neighbours do not belong to exactly the same caste?—We are an agricultural class and we are paying more taxes than others and we think that some special attention should be paid to us.

95. How many Hindu castes are there in all?

*Sir Hari Singh Gour*: 3,600.

96. *Chairman*: Yours is a very large and important one and obviously there cannot be reserved seats for every caste?—I would request your Honour to have separate electorates for backward communities so that we shall have some chance to get in.

97. Up to what point do you think, in the range of Hindu castes, one should go if one were to pass out of the backward communities? Are all castes backward except the top five?—I would make the division from the point of literacy; there are only one per cent. of our members who are literates—I mean English-knowing people.

98. I see your point. Is there any other point which you want to mention specially, Dr. Khedkar?—For secondary education very many scholarships are given to the advanced classes. We would request you to give some of them to backward communities.

99. What is the total number of your caste in the United Provinces?—It is four million.

100. Is it the largest single caste in the United Provinces?—I think it is the second largest.

101. Which is the largest?—Brahmins.

102. I suppose for the purpose of the census we must take Ahirs. You see in the United Provinces they are over 3½ millions, Brahmins are 4½ millions and Chamars are very nearly 6 millions?—(*Babu Swayambar Das*). There are Ahars as well as Ahirs; these are separately returned in the census; though they practically form one caste.

103. *Sir Hari Singh Gour*: Would you like to have the election confined to Yadavas; Would you like to have your candidates elected by your own caste?—Preferably.

104. Supposing that were not possible what would you like to have?—From the provincial point of view, I have said that we want adult male suffrage and we want independent election.

105. As cultivators how are your interests different from the other cultivators?—There are cultivators who are coming in larger numbers in the services; they are coming into local bodies and district councils.

\* Appendix, page 460.

† See Vol. XVI.

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(Continued.)

106. Can you tell me how you, as cultivators, differ from the general body of cultivators?—I do not understand the question. As cultivators we may not differ.

107. As cultivators, are not your interests the same as other cultivators?—As citizens our interests are not the same, so long as we are kept back in the services, in the representation in the council and other local bodies. (Dr. Khedkar): Some of the cultivators in the Bombay presidency are Brahmins and they are educated. So at the time of the elections they have more liberty to choose their own men.

108. I would say you had better educate yourself?—But give us free primary education and help in the secondary education.

109. You could ask for free primary education, but you cannot have political rights till you have educated yourselves?—(Babu Swayambar Das): It is the State which should come to our rescue.

Chairman: We quite see the importance of the case you have in your mind. How best it should be dealt with the Conference will have to consider.

110. Rai Bahadur S. C. Roy: You have said that your candidates cannot expect to be elected by reason of the zamindars' influence and the tricks of the political exploiters and you advocate indirect election?—Yes.

111. Will not the zamindar be able to influence a fewer number of electors, as we shall have in indirect election, than he can do when the election is primary, that is to say, when every one has a vote?—Zamindars are zamindars; there are big zamindars, there are small zamindars and there are petty zamindars.

112. What I mean is, is there not a greater chance of that influence being used to the disadvantage of your people if the number of electors is small?—We do not think so because in that case we shall be able to combat the influence which might be brought upon our community. The few electors will be within our influence; they will be within our sight.

113. The entire villages are not inhabited by your people?—No, but where our population is large as compared with the population of other castes and where the influence of the zamindar is not so very great we have a chance.

114. But that chance you have now?—I do not think so.

115. Do you not think that indirect election will be to your disadvantage rather than to your advantage?—That is a matter of opinion. (Dr. Khedkar): I have requested in the memorandum that we should have proportional representation in addition to the adult franchise; that will help our community a great deal.

116. Indirect election will not help you in any way and so you are giving it up?—I am talking about the memorandum submitted for All-India.

117. Chairman: It stands like this: I am obliged to you, Rai Bahadur Roy, for bringing out this point. The provincial deputation in its memorandum and apparently by its spokesman is rather attached to the idea of indirect election about which you pointed out that if there are fewer people who are going to elect, it does not necessarily diminish the outside influences upon them. On the other hand, I think the other body, represented by Dr. Khedkar, is not very much wedded to the idea of indirect election but pins its faith on proportional representation. Is not that so?—Yes, sir.

118. Babu Chandreshwar Prasad: You understand that if there is adult suffrage the number of voters would be large but if indirect election is introduced, the number of voters who will be primarily concerned in the election of the members to the council would be decreased. Now the question is whether this decreased number would come under the influence of the zamindars or not. I would suggest to you, is it that you thought that possibly the village headmen who would be elected indirectly could be supposed to

be above all influences because they would be elected by all the villages and perhaps by a secret ballot? You think that they would be persons who would be above all influences and therefore it would not be possible for influential zamindars or anybody to bring them under any compulsion?—Babu Swayambar Das: Yes.

119. That is to say they would be above compulsion?—Yes.

## APPENDIX.

(Vide ANSWER TO Q. 82.)

12th February, 1929.

Gentlemen,

With reference to letter No. E.M. 271, dated the 1st February, 1929, of the Assistant Secretary, Mr. R. H. A. Carter, requesting for a further explanation, we have the honour to supplement a note elucidating the position of our "Yadav" caste.

The spokesman, Mr. Swayambar Das, did not understand the question 82. "You are not, as I follow, one of the five highest caste . . . You are in the middle . . . in reply to this he meant "middle" in the sense of prosperous condition of the present Hindus. But, in truth from the religious and historical basis of Bhagwad Gita the Yadvas are second among the Hindu national castes as in the Hindu ancient Code the castes were framed as Brahman, Kshatriya, Vaishya and Shudra.

About 3000 B.C. the Kshatriyas were further divided into Solar and Lunar Dynasties, but in the time of Shri Krishna both of them had relations by intermarriages; such as Shri Krishna's sister was married to Arjuna who belonged to Solar dynasty. But, after the fall of Yadav through poverty these two sects were completely separated 600 to 1300 A.D.

The Solar Kshatriya (Rajputs) were greatly influenced by Buddhism and began to have intermarriages with Shudras and even in modern times that practice has been still continued. But the Yadavas kept intact in themselves and established great kingdoms of their own in Nepal and South of Vindhyadhari hill, the history of the Gopa Rashtra, Kalchuri and Deogiri Yadvas is bound in history.

## After 1300 A.D.

During the Moghal period, fighting Yadvas were ruined by poverty and exclusiveness as they had not done intermarriages with other rising castes. They continued this practice even up to the present period and have thereby remained unhelped and unnoticed so far by the castes who got advanced in education and wealth like Brahmans, Rajputs and Kayesthas. But they have kept up their martial spirit and have fought like brave soldiers under the flag of the British in all the previous wars. In the last war 100,000 Yadva recruits were supplied by our community.

Thus, gentlemen, you will observe that the Yadva community though poor in wealth and education, still has ancient purity and chivalry of the Yadav race of Shri Krishna. So, it has maintained the Second number of the ancient division of castes. Khedkar's "History of Yadavas" gives details of this ancient community.

## Regarding Kayesthas.

They are Kshatriyas, no doubt, but are not considered to have kept up the purity of their either Solar or Lunar dynasty which is mixed up in them. Moreover, they have never been the fighting soldiers in numbers in any of the past British wars. They are almost clerical and mercantile people. Thus, they cannot have the right of being classified as Martial people of the Second or Third Division.



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[Continued.]

Dogra, Jats, Pathan and Punjabi Mohammadan, do not forget the Jadubans Ahir."

Sir Harcourt Butler made the following reply as the Lieutenant Governor of the United Provinces to the Ahir Representatives of the Punjab, U.P. and Delhi on the 9th July, 1918 :—

"Gentlemen, I thank you for your loyal and complimentary address. I am glad to meet you this morning and to hear from you about your achievements, your hopes, your aspirations and your history. Your history is an ancient one and you are justly proud of it. You have told me this morning what I know before that you were loyal in the Mutiny and I know of no occasions on which your community has not been loyal. You certainly responded in the present crisis, which I am the first to acknowledge, and I thank you on behalf of the Government."

The Lieutenant Governor of the Punjab, Sir Michael O'Dwyer, referred to the Ahirs in his convocation address on the 22nd December, 1917, in the following eulogistic words :—

"I will take another instance, that of the Ahir. In the Punjab they are comparatively a small tribe restricted to two or three districts around Delhi where they are known as sturdy agriculturists who can make a living in the barren sandy soils which less hardy and persevering tribes would despise. But they are endowed with a strong tribal spirit and great cohesion and some of their leading men assisted also by a few

young men who are graduates of the Punjab University realising the duties and responsibilities presented by this Great War, appealed with such success to their traditions and their tribal feeling that the Ahirs of the southern Punjab stand out to-day as the first Hindu tribe in India in the proportion of men sent to the Army. That great rally is not to be forgotten either by the tribe or by the Government in whose cause it has been put forth."

The following press note issued by the United Provinces War Board and published in the *Leader* in the month of August, 1918, will show the great enthusiasm shown by the Ahir Communities in enlisting themselves as recruits during the Great War.

"Some interesting details of the fighting men supplied by various castes in the United Provinces may be gleaned from the statement showing the constitution of the Indian Army on the 1st January, 1918. It is not possible to publish the actual number of men who were then serving; but the following comparative percentages show what progress has been made by some of the leading castes. During the year 1917 the greatest progress was made by the Ahirs whose number increased by over 1000 per cent. In other words the Ahir community furnished during the War ten times as many Ahir recruits as there were Ahirs serving in the Army a year before. This is mainly due to the constitution of special Ahir companies for men of this caste and to the efforts of the Ahir Mahasabha."

### Mr. AKHOURI RAGHUNATH SAHAYA, Police Inspector, President of the Subordinate Police Association.

120. Chairman : Mr. Akhouri Raghunath Sahaya, are you an Inspector of Police in this province?—Yes, I am.

121. I am given to understand that you are the president of an association called the Subordinate Police Association?—Bihar and Orissa Police Association.

122. Just tell us first of all please what that Association is, what its ambition is and what are the ranks of police that may be included in the Association?—The inspectors, sub-inspectors, and writer head-constables are included in it.

123. What is the membership of your Association?—It is from 1,500 to 1,700.

124. How long has your Association been in existence?—For the last seven or eight years.

125. I imagine it is formed in order to look after the interests of those ranks of the service which are called subordinate?—Yes.

126. We should like to understand about your own service. How long have you been in the Police service?—I entered the service in 1907.

127. In what rank was that?—I entered as a sub-inspector.

128. And in due course you have been promoted and you are now an inspector?—Yes.

129. Just as a mere matter of interest as we go, is the entrance by examination or by selection? How is it done? How do you come to be appointed?—Now it is purely by selection.

130. And when you were appointed?—Then also it was by selection.

131. Let us see if I have got the organisation of your force correctly. At the top there is the Inspector-General, Mr. Swain. He told us that there were three Deputy Inspector-Generals and I think one Assistant Inspector-General?—Yes; the Assistant Inspector-General is his personal assistant.

132. Next to him there is a superintendent of police for each district and under the superintendents there would be deputy superintendents and assistant superintendents and then the inspectors; is that right?—Yes.

133. So that the next higher grade to you would be really the deputy superintendent?—Yes.

134. I think the thing on which the Conference will be glad to have your view is this. One question that certainly arises is the question whether the police force in a province should remain what is called a reserved service, that is to say, remain under a member of the executive council who is not responsible to the local legislature or whether the service should be transferred as it is called, that is to say, be in charge of a minister who would be responsible to the local council. What I would like you to tell me is this. Are you able to give us any information as to the view of your Association generally speaking on that subject as to whether they would be in favour of it or whether they would not be in favour of it?—I think, sir, we would not favour a transfer at present.

135. I wish you just to tell me in your own way what are the reasons which you have for that view?—We think that the efficiency and the betterment of our conditions of service and contentment would be marred, or at least greatly suffer, if it becomes a transferred subject. It should not be made so at least till a change in the mentality and the attitude of the people and the council towards us is forthcoming.

136. You are reading that, are you not?—Practically I have collected my thoughts and put them in writing.

137. It is a very wise thing to do. But you will excuse me if I ask how it came to be written down. Was it because after the suggestion was made that you might come to give evidence you thought it well to collect your views and put them down on the paper?—Yes. But long before that we had submitted a sort of note to the Inspector-General of Police and it was done before it was known to us that I was going to be examined.

138. The Inspector-General of Police told us of what he had learnt of the views of your Association when he was here and I gather it is the fact that your Association made a report to him?—Yes.

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[Continued.]

139. As to what you are reading now, are you reading from your report to the Inspector-General or the substance of it?—Practically it is the same with some additions.

140. You are expressing to us in substance, are you not, what you formerly expressed to Mr. Swain?—Yes.

141. Would you mind just telling me this? Was the report which was made to Mr. Swain by your Association considered by any committee?—The members of the central executive council, as we call it, are scattered in different places. But we have got some of our principal members here among the members of the central executive council. We had a sort of informal meeting, consulted some of the prominent members, such as the ex-presidents and so on and then we drafted the report. Then we called also for the opinions of other members from the mofussil.

142. Do you mind just answering this question? Please answer it entirely. You are quite free to answer. Were those meetings and that opinion you hold without any external suggestion? That is to say, was it your own doing or did other people suggest that a particular view would be welcome or approved?—Nobody suggested anything to us.

143. It is an independent act?—Yes.

144. Now we will go back to the reason. You say in what you read to me just now that you are afraid that efficiency will suffer?—Yes.

145. What do you mean by that? Why?—Because there will be too much interference with our duties.

146. Just make it quite clear what is in your mind, because after all this is a mere prophecy; it is estimating what might happen. What do you mean by interference? What is it you are afraid of?—I think I am allowed to speak out very freely?

147. Very freely?—What we think is that if there is a minister at the top he is likely to be approachable by other people who will go and tell him "this constable or this sub-inspector is bad" and things like that; and all sorts of people will come and tell us "this is what the minister wants you to do." Such things will happen; that is to say, in other words, we will not be quite free and impartial as we would like to be and as we are now.

148. Just tell me on one other subject. I dare say you know because I think it was reported in the papers that when Mr. Swain was here he was asked some questions about corruption in the police force. I will tell you in substance what he has said. He told us that he thought there was an improvement in the intermediate ranks, but he feared that there was a very strong custom among the ordinary constables and the like to receive payments and he said he thought 99 per cent. of them probably in that sense were corrupt. On the other hand he said he was satisfied there was a great improvement in this respect that there was not the bringing of false charges in the way in which they had sometimes been encouraged. Well now, what do you say? You are an inspector and I see from the returns which have just been sent in that so far, as dismissals for corruption in the ranks of inspectors are concerned, they are practically free. Perhaps the other members of the Conference might like to know the figures; I will have them circulated. The figures are for five years, 1923-27. Apparently in those five years in this province there have been 118 cases where a man has been dismissed for corruption and 271 more cases in which he has been otherwise punished and this is divided among inspectors, sub-inspectors, head constables and constables and I am very glad to know that as far as the inspectors are concerned there are only two cases of dismissals in the five years and as far as other punishments go, there are only three cases and what is perhaps better still is that for the last year, 1927, there was no case either of dismissal or of other punishment among the inspectors. With regard to sub-inspectors the figures are 15 cases of dismissal, taking the five years together,

and 34 cases otherwise punished. Head constables 21 cases of dismissal and 31 cases otherwise punished; constables 80 cases of dismissal and 203 cases otherwise punished. Now, Inspector, you have been in the force for some years. What do you say about the prevalence of corruption, that is to say, taking money for doing their duty in the force?—I think in spite of our starving wages the subordinate ranks have improved marvellously during the last twenty years.

149. It is suggested to me that it is not the right way of putting it. It may be put—taking money for doing something in connection with your official work. Defining it like that, you think the position has greatly improved?—Yes, in spite of the very poor wages that we are getting.

150. When a case has come to the notice of the inspector such as yourself—I suppose from time to time such cases may come to your notice—what does an officer like yourself do? What is your action about it?—I would like him to be prosecuted or dismissed or punished in some other way.

151. If you find out that it is true, of course?—I will make my own enquiries and if I am satisfied that the complaint is true I would like the man to be punished.

152. Is there a report made by the inspector to his superiors?—Yes.

153. You report I suppose to the superintendent?—Yes.

154. But who decides whether the case is made out?—If it is a criminal case the magistrate decides.

155. Who decides whether the case is sufficiently serious to justify a prosecution?—The superintendent.

156. Is it any part of your duty when a case of corruption is suspected, to make enquiries and see whether there is evidence to support the suspicion?—Certainly it is.

157. You do that?—Yes.

158. Then I suppose the question as to whether the case is one which justifies prosecution on the evidence is decided by your superiors?—Yes.

159. One other question. You say that the rate of pay is still not very high?—Quite so; it is very poor.

160. Do you think the present rate of pay is one of the causes or encouragements of corruption in the ranks?—Certainly it is one of the main causes.

161. Since you have been in the service, and especially in recent years, you had sub-inspectors under you. Do you think—let us take the last ten years—that you detect an improvement in freedom from corruption among sub-inspectors?—Yes, there has been a vast improvement.

162. Has the pay of the sub-inspector been raised?—Yes, it was raised some years ago.

163. *Babu Chandreshwar Prasad*: The first thing that I would like to know from you is whether it has been resolved by your Association that you should represent the views of the Association?—Yes, in the sense that we had a sort of informal meeting where it was decided that I should come and represent them being their president.

164. There has not been a general meeting of the Association?—It is advertised for the 26th of December at Muzaffarpur; that is our annual conference.

165. I want to know whether there has been a general meeting of your Association for your election as the representative of the Association?—I am already their representative because I was their president at the last conference and I continue to be the president for the whole year, that is until the next president is elected. Every president remains in office for one year.

166. I quite realise. The question is that no special resolution of that sort has been passed in the council that you should go and represent the case of the Association before the Statutory Commission?—No.

*Chairman*: I may make it quite clear. My impression is—it is quite second-hand—but my impression is that after the suggestion was made, and if I may say so very properly, "ade" hen



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[Continued.]

Mr. Swain was here and he was asked a question : "Are any people whom you refer to willing to come to give evidence?" then a message reached the Conference that if it was decided to call anybody, this gentleman of the Bihar and Orissa Police Association was quite ready to come.

167. *Babu Chandreshwar Prashad* : I am much obliged to you for that information, sir. (*To the Witness*) : It has been read out to you by the Chairman to what extent corruption is prevalent among the police. Of course we remember that. Mr. Swain has already told us that corruption was prevalent among 99 per cent. of the constables and head-constables, 75 per cent. in the grade of sub-inspectors of police and about 50 per cent. in the cadre of inspectors of police, and that he takes an optimistic view of things about the future. Now I would like to know whether you also subscribe to this view?—I do not.

168. You do not? You think that corruption in the police department is not so prevalent as has been stated by Mr. Swain, the Inspector-General of police?—Well, it is so difficult to make a division by measures. But surely, as I said, the police to-day is not what it was 20 years before. There has been marvellous improvement, as I said for the last twenty years.

169. That is not my question. I simply wanted to know from you whether you subscribe to the views that have been expressed by the Inspector-General of Police?—Pardon me. I have already said that I do not agree to that percentage.

170. Would you let us have the percentage that you would fix?—It is so difficult to fix a percentage. But all that I can say is that surely there has been tremendous improvement.

171. *Chairman* : I just might just point out, if you do not mind, that the two questions seem to be rather different. It is quite right to ask the witness, and we are very glad to hear his answer that he would not accept the high estimate that was suggested. That is a very important fact. But after all it is not possible for him to give us the percentage of corruption as it would be for the head of the department. In the nature of things the head of the department gets the reports from the inspectors from all the districts. Is that not so?

*Babu Chandreshwar Prashad* : I thought possibly, sir, that as he was the chairman of this Association and as an inspector he must have some information about the constables.

*Chairman* : I attach equal importance to the answer that he has already given that the estimate given by the Inspector-General is in his opinion somewhat high.

172. *Babu Chandreshwar Prashad* : Another question that I want to ask you is that whatever you find here stated about the constables and sub-inspectors and inspectors of police does not in any way reflect the general morale of the public, or does it?—Your question is not quite clear to me.

173. My point is this, and I want to make it perfectly clear to you. You find that after all a statement has been made that 99 per cent. of constables are corrupt, 75 per cent. of sub-inspectors are corrupt, and about 50 per cent. of inspectors are corrupt. Now the question is, is it because all Indians have got such a low morality, or is it because the general atmosphere of the police service has been such, or that the temptations that are generally offered in the police line are responsible for this extent of corruption?—If I may be permitted, I might ask whether you want me to give you reasons for the corruption, is it not?

*Chairman* : Yes.

*Witness* : Then I would like to give you my reasons. It is mainly due to inadequate pay and allowances, partly due to want of better treatment at the hands of the council, the magistrates and the superior police officers, and the habit of the parties in the wrong to offer bribes.

174. *Chairman* : By "habit" you mean "custom"?—Not exactly custom. It is like this—if I am in trouble, I think if I pay something, I could get out of that trouble.

175. *Babu Chandreshwar Prashad* : You have just now said that sometimes when people are in trouble they feel that by bribing it is possible for them to get out of that trouble?—Yes, that is human nature.

176. You know that ideas of that nature are not possible for people to conceive unless they know the percentage of their success in such efforts?—But, did I not tell you that, twenty years before, the police was very bad? And that reputation has been shadowing the police everywhere. After all, bribery is not confined to the police alone. You must know that.

177. That is not the point. I do not want to make any complaint against the police service. You must never be misunderstanding me like that. All that you have been pointing out just now is that perhaps 20 years before there was an atmosphere like that, the police have since then very much improved, and it is possibly because of their past bad reputation or good reputation, whatever it may be?—No; it was certainly the bad reputation that was shadowing us. No doubt about that. I should be very frank in telling that.

178. All the same you agree that it is not the general tendency of the mass?—What?

179. Corruption?—To offer bribes?

180. No; it is not a question of offering bribes. Taking of bribes is a low morality?—Yes.

181. That, you do not think, is a general tendency of the people?—Neither is it a general tendency of the police.

182. Of the police? Right you are. Then you have said that possibly low pay is the reason for this corruption?—I have given you many reasons; low pay is one of them. And allowances, for instance. When a sub-inspector goes out, or inspector goes out, he does not get sufficient to perform his journeys, and things like that. And then partly to want of better treatment at the hands of the council and the public, the magistrates, and even the superior police officers, and, as I said, the habits of the parties in the wrong to pay.

183. Now, so far as the Council is concerned, I should like to know whether the measures that have been recommended for increase of pay have been successful in the council or not? Of course I do not expect that you have very much information about these affairs?—Yes, certainly. I have tried to follow it. If you will kindly put any direct question, I will answer.

184. The question is whether measures recommending increase of pay for the people in the Police department have been successful in the local council or not?—So far as I am aware, there has been up till now no such measure before the council, but then there were proposals by the Inspector-General to the Government which were turned down because they were never sure of getting them through the council.

185. Do you know that there has been since 1921 an increase of about 20 lakhs in the police budget?—Yes, there has been some increase.

186. And most of that goes to the increased pay of sub-inspectors and constables?—The pay of the sub-inspectors and inspectors, as I said, is the same now as it was eight years ago when it was increased. After that there has been no increase although we have been crying ourselves hoarse for it.

187. So you think that the increase in the police budget has not gone to make any increment in the pay of constables and sub-inspectors of police?—Well, you know the constables are drawing Rs. 16 now, and you know how they are living. How the increased provision in the police budget has gone I cannot tell you.

188. I am not discussing at all as to how they are living at present. The whole question is I have not

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[Continued.]

been able to make myself quite clear about the increased allotment in the police budget. Some time before it used to stand at a figure of 41 lakhs. After that it was about 60 lakhs, and now it stands at about 80 lakhs. The whole question is, since this increase has come and the police budget has almost doubled, has the pay of the constables and the sub-inspectors increased or not?—Doubled since when?

189. Since 1912?—During this period the sub-inspectors got only one increase, from Rs. 50 to Rs. 80, with a sort of increment which comes to them at Rs. 10, sir, after five long years of waiting.

190. But we were told by Mr. Swain, your Inspector-General, that constables used to get something like Rs. 7 or 8 before that?

*Chairman*: The matter seems to me to be very fully set out at pages 166-9,\* and while I do not want to stop you, the inspector, even if he is the president of the Police Association, cannot know the legislative mystery.

*Babu Chandreshwar Prashad*: I simply wanted to point out, sir, that as a matter of fact so far as the increment of pay of the Police department is concerned, the legislative council has been very sympathetic.

*Chairman*: Well, that is done. On the other hand, if you look at the book here you will realise that if there is fierce opposition to certain other heads in the police budget, then of course the general effect is that the police budget in some way or other will suffer as a whole. It may be that the opposition is justified in moving particular reductions, but you cannot expect the police administration to say everywhere that they do not mind the votes against any special branches, or votes against particular services. Paragraph 228\* proves quite clearly the attitude of the legislative council. It says:—"Yet the police budget has been the object of persistent attack there. The motions for reduction fall into three classes: (a) reduction of a nominal amount, implying a censure on the department; (b) reduction under particular items; and (c) lump reduction from the budget as a whole." On the other hand, at page 167\* it is said quite clearly that: "It may be said that the direct results of the council's control on the police budget in the past seven years have not really been unfavourable. Government have been able to secure sufficient support from the non-official benches to maintain intact the standard of police administration" and so on. Mr. Swain read out, you remember the approval of the council. Do you want to criticise that?

191. *Babu Chandreshwar Prashad*: No, sir. May I put a few more questions? (*To the witness*): You have said that the members of your Association feel very much apprehensive about their efficiency if a transfer of control is effected; that is to say, if your department is brought under a minister?—Yes, I did.

192. You have at the same time also said that you feel that efficiency would be lowered, and it might happen in this way, that a minister would be approached by some people and some people might come and tell you that the minister likes to do this way or do that way. That is what you suggest?—Yes.

193. Beyond that perhaps you have got no grounds to support your views?—I have got other grounds as well.

194. May I know what they are?—For instance, the question of the betterment of the conditions of our service and contentment would also suffer.

195. Am I to understand that you apprehend that if a change of control is effected, your prospect of betterment is gone, and that the minister would necessarily be apathetic to it?—Having regard to the attitude of the council in the past with regard to the police budget, we have grounds for that fear.

196. That is exactly why I put that question, sir, because it is stated at page 166\* of the report itself that out of forty-one motions for reduction the majority were withdrawn being only token motions.

and that clearly shows that they were intended more or less for the purpose of eliciting information rather than effecting the actual cuts proposed.

*Chairman*: Do I understand you to think that the account given at pages 166, 167, 168 and 169, taken as a whole regarding the attitude of the council and all those is inaccurate, or you think is accurate?

*Babu Chandreshwar Prashad*: I personally should suppose that it is not very fair to the council.

*Chairman*: I assure you that none of us wishes to be in any way unfair. I want to say that the general effect produced on my mind is that there has been a good deal of opposition to the police and to the police budget as a whole. I quite agree with you in regard to what you said was the attitude of the council on the question of increase of pay to the police subordinates. Of course the inspector has given us the reason for his apprehension, and the reason for the opposition of the council is partly because the council does not feel that it has got sufficient responsibility, and it is a perfectly good argument to consider that if you entrust the police department to a minister and to the council, their attitude to the minister may change. I think myself that this witness was brought forward simply to ascertain this fact about corruption, and that has not been challenged. The fact remains that the Inspector-General was accurate when he said that he had this information from these gentlemen, and we now learn that it is a fact, and you have heard the grounds, right or wrong, on which this witness has based his opinion.

197. *Babu Chandreshwar Prashad*: Only one more question, sir. Is it possible for you, or for any man in your position to hold views against your own officer?—Yes. For instance, you have heard even in this Conference, that I do not agree with the Inspector-General's percentage.

198. *Sir Hari Singh Gour*: You have said, Inspector, that you are afraid that people will go and speak to the minister about the sub-inspectors and so on. But have you any reason to suppose that people do not go and speak the same thing to the executive councillor?—As I said, they are not so very approachable. They are quite aloof now.

199. *Mr. Athar Hussain*: Perhaps you say they are not dependent on the vote of the council?—That is another thing. That is exactly what I have in my note.

200. *Sir Arthur Froom*: Regarding this corruption amongst the constables, you told us that when they are detected in taking bribes, they are punished?—Yes.

201. There are always two sides to the bribery. One is the man that accepts the money, and the other side is the man who gives the money. In cases of these corrupt practices, is the man who gives the money to the constable also punished?—I think very rarely. There might be 1 in 100 cases.

*Chairman*: The form in which punishment takes place sometimes in the police force is dismissal. There is no corresponding punishment possible in the other case.

*Babu Chandreshwar Prashad*: There is prosecution.

202. *Chairman*: How many cases of prosecution or conviction of the police were there last year?—I could not tell you.

203. *Sir Zulfiqar Ali Khan*: I am not at present asking you as to the advisability of transferring the police department to Indian agency or not, but as you have made a statement against the transfer of police to the minister, I want to ask you this question. You are aware perhaps that a minister who is in charge of a department has mostly to consult the head of the department about matters of high policy. He does not as a rule interfere in the details of the administration. Are you aware of that?—I think the minister is supposed to have his own will, and imposes on the department.

18 December, 1928.]

MR. AKHOURI RACHUNATH SAHAYA.

[Continued.]

204. Not in every case?—I think a strong minister would do so.

205. But that is not the general etiquette of ministers. They cannot go into the details of administration. It is mostly the duty of the Inspector-General. In such matters as the promotion or appointment or such things, it is the Inspector-General of Police who does it. Is it not so?—Nowadays the Inspector General does it, promotion up to inspectors.

206. In other departments, for example?—I have no experience of the system prevailing in other departments.

207. But you can understand this broad question, that the Inspector-General of Police makes the appointments. As regards the sub-inspectors, it is the Deputy Inspector-General of police who is generally responsible for such appointments?—In this province at least the final appointment of sub-inspectors also is made by the Inspector-General.

208. It may be so in this province, but in the Punjab it is not so—and I do not know about other provinces. Now, supposing the Inspector General is subordinate to a minister and your department is transferred to a minister, the Inspector General would mostly have to do with the appointments of inspectors. Then, do you think that the minister would be liable to intrigues in the administration of the police force, may listen to some recommendation or other in making appointments or interfere in other ways? Is that your view?—Yes. In other words he would influence appointments, promotions and punishments.

209. But a minister in charge of police would act in the same manner as a minister in charge of other departments. Would he not?—Yes, but the Police unfortunately is a very peculiar department.

210. But, why should he interfere? Why should the minister in charge of Police particularly interfere in the administration of the police, in the details of the

department, and a minister in charge of other departments should not so interfere?—I cannot tell you, sir, about other departments, but what we are afraid of is this, that in matters of appointments, promotions and punishments, punishments especially, there are likely to be a great many injustices. The superintendents for instance will be under the minister, and they will be keeping an eye on him, and things like that will happen.

211. But, what then would be the function of the Inspector General? Is he a mere spectator?—All cases of punishment do not go to him. That is why we say this. If Police at all becomes a transferred subject all powers of dismissing sub-inspectors and higher ranks should be confined to the Inspector General only. Those powers should be taken away from the superintendents and deputy Inspectors General. In fact, we have been pressing for it for some years.

212. *Chairman*: I think all we are concerned to know is what is his view, and his view undoubtedly is this, for what it may be worth, that he thinks that both in the matter of appointments and in the matter of promotion his class of officer is safer as things are now, and his own view, right or wrong, is that if the transfer of police was effected there would be a risk of punishments and promotion not always being done on the merits of the case. That is his point. I am not at all saying whether that is right or wrong, but that is his view?—Yes, sir.

*Chairman*: Yes, I have no difficulty in understanding what he wants to say. Whether it is right or wrong is a different matter.

*Sir Zulfikar Ali Khan*: If that is so, supposing Indianisation of the police force takes place.

*Chairman*: I think that is quite a different point. Indianisation is the question of whether an officer is an Indian or European. The matter on which this witness has been giving us information is not, in my view, that, but on the question of where the control of the police should lie.

## Memorandum submitted by the BIHAR LANDHOLDERS ASSOCIATION.

The Bihar Landholders' Association which submits to the Indian Statutory Commission on Reforms its statements and opinions in the following pages on some of the subjects which will fall within the scope of its enquiry, is an organization of the Zamindar community of the province of Bihar and Orissa. The Association is one of the oldest institutions in the province, a body which is duly registered and recognised by Government. Its views are sought for and opinion invited by Government on questions of public importance. Its importance was recognised even when this province was a part of the presidency of Bengal. It has always in the past tried to serve crown and country, and its services have been from time to time greatly appreciated by Government. The Association has stood loyally by Government in times of political stress and strain, and its members, individually and collectively, have given them, their ungrudging help and co-operation in the maintenance of law and order. The Association has received special consideration at the hands of His Majesty the King-Emperor and H.R.H. the Prince of Wales during their visits to this country, and it had the privilege of entertaining His Royal Highness at a very large and successful garden party in the heyday of the Non-co-operation movement.

The Association has been in existence since 1878 and has its branches in the province. The members of the Association number 870 and belong to a class which holds a substantial stake in the country and is conservative in outlook and sober in thought. Its members are thus drawn from high social status, and among them are men of light and leading in the province, who can legitimately claim a share of the credit for the successful working, in the province of Bihar and Orissa, of the Reforms of 1919, howsoever halting and disappointing these have been to them. The services of its office-bearers and members have been sought for and availed of by the local Government. Its President, the Hon.-Maharajadhiraja of Darbhanga, and the late Rai Bahadur Krishna Sahay, one of its former Secretaries, were members of the Executive Council, while the present Indian member of the Executive Council was one of its Vice-Presidents, and of the two present hon'ble Ministers, one was a prominent member and the other was one of its Secretaries before they accepted their offices.

The Association will furnish, in time for the arrival of the Commission on the Indian shores, the names and addresses of its members who will be willing to be examined by the Commission, for the elucidation, if necessary, of the points raised in this memorandum. It regrets that it cannot do so now, because its members are at different places for a change on account of the heat of the plains.

We reserve our right to modify the views contained in this memorandum, if necessary, as well as to furnish such supplementary materials connected therewith as may be available in a reasonable time before the Commission finishes its labours in this country.

In a country like India where illiteracy is appalling and political education among the masses is nil, we have to guard, as cautiously as is consistent with the idea of progressive realization of responsible government, against any catastrophic change in the system of administration. For these reasons, while democracy is yet on its trial in other politically advanced countries of the West, it must remain for the present for India a distant goal to be reached by successive stages. Any extension of the franchise as it exists at present, conferring by a mere stroke of pen suffrage on people innocent of the alpha and beta of the political powers and privileges which this innovation will undoubtedly bring in its train, must be ruled out of consideration. It will yet take time before the present electorate, brought into existence by the introduction of the Montagu-Chelmsford Reforms eight years ago, will be able to appreciate in its proper bearing a modicum of the political significance attached to the vote which they have been called

upon to cast. Most of these voters have never availed themselves of the opportunity of exercising their franchise, while others must have been at the polls so far only once or twice.

The Bihar Landholders' Association considers the present basis of franchise, for which the late Secretary of State and Lord Chelmsford were responsible, as irrational in so far as it violates the well-known principle of representation on the basis of taxation—a principle which should form the bed-rock of every representative system of government. In view of the illiteracy rampant among the masses, this maxim should be particularly and steadily kept in view in determining the basis of franchise, in order to ensure political advancement through the process of evolution and not of revolution. We propose therefore that the present electorate should be scrapped to make room for the construction of a new one, which should be based on the principle of representation in the legislatures of the different section of the people in strict proportion to their respective contributions to the exchequer of the State. We may for this purpose divide the population broadly into three divisions representing in the main the three important interests which provide to-day the sinews of war for the upkeep of administration. These are: the Zamindars and landowning classes paying revenue to Government, the ryots paying road cess and the assesses who pay tax on their incomes and are drawn either from the services or professions, or from business, commerce and trade. The future electorate should be composed mainly of these interests which should have seats in the provincial legislature fixed in the same ratio which these interests bear to each other in regard to their financial liability to the State. This will ensure representation in the government of the country of the sections and classes of the people which ought to have a potent voice in its affairs. This scheme, in the opinion of this Association, will afford a rational and scientific basis for the franchise.

The method of election at present offers many difficulties which can be minimized by adopting a more suitable one in its place. India is a country of long distances, and the polling stations are such a far cry from the homes of the voters that it is not at all surprising that most of them are disinclined to go there or that corrupt practices on such occasions become the order of the day. This state of affairs not only generates unwholesome tendencies in the voters, but also retards their political education, as most of them have not the time and inclination to attend the polling station. It would therefore be desirable to reconstruct the present electorate as well as the existing system of election. In a country where even the knowledge of the three R's has not made any appreciable headway among the population, the direct system of election which has been set up by the Montagu-Chelmsford Reforms, bringing in its wake a large mass of voters who cannot know their new political responsibilities in the circumstances now existing, has come in for a good deal of well-deserved adverse criticism. It will take decades before the present voters can rise equal to the occasion. While, therefore, we would like very much to go back upon the present system of election, to one somewhere midway between the present and the indirect system that prevailed under the Minto-Morley scheme of Reforms before 1919, we do not recommend such a course as it would mean a retrograde step. But in view of the wide franchise already existing, and for the reasons stated above, we are emphatically opposed to the extension of the present franchise even by an iota.

While fully appreciating the merits of the system of voting by ballot, it can hardly be denied that the system encourages secret and underhand tactics which are calculated to demoralise both the candidate and the electorate he seeks to represent. We would therefore recommend open voting, which will quicken in the electorate the habit of decision, induce in them



composed of elected members of the council, which would support him throughout. It is not an enviable position in which he is placed when he is obliged to seek the support of an official *bloc*. Indeed the support of this group, as long as it exists, will always be available to him, but he should, as far as possible, be independent of it. There are other difficulties in the way of the formation of strong Ministerial parties in the provincial legislatures. But one of these which can easily be removed is the absence of patronage in the hands of a Minister with which he could weld his followers into solidarity. We propose that in future Ministers must have a potent voice in dispensing titles and decorations, and on his advice these should be conferred. In higher appointments, reserved to be made by nomination by Government, the recommendations of the Ministers should always be respected.

It will not do to throw all blame on the Ministers by saying that they have not done their best to organise parties of their own. They are creatures of circumstances over which they have no control. With ignorance reigning in the country nothing is so easy as to generate prejudices against one who throws in his lot with the Ministers, who are regarded as not merely playing second fiddle to government but even as subserving the purposes of an alien Government. It requires rare courage on the part of an elected member, who has his eyes fixed on the general election, to face the odium of the public by joining the ranks of Ministerialists. Nor have the Ministers any of those inducements as in Great Britain which will keep intact the allegiance of their followers. Yet as parliamentary government is set up in this country, with a strong opposition party manipulating all the means at its disposal to wreck the constitutional machinery, it will seem not only eminently desirable, but, in fact, a sheer necessity to bring into existence a strong constitutional party which would correspond as nearly as possible to the great Conservative party of England, consisting mainly of the landowners and people with a permanent stake in the country. It should be possible to create such conditions as would be conducive to the birth and growth of such a party, a power for immense good in the political evolution of the country. Yet another difficulty which occurs to us as standing in the way of the formation of a strong constitutional party is the scant courtesy shown at present by the members of the Executive Council to the Ministerialist party, whose views and representations they often ignore. Even the intervention of the Ministers does not carry much weight with the Executive Councillor. This probably causes the Minister's party to leave him in despair and break up into pieces.

The question of the growth of informed public opinion is closely interlinked with the growth of parties. With strong and energetic political parties in the country, it would be possible to create in the minds of the people an interest in the discussion of questions of public importance. The more the public have opportunities through the agencies of such parties to consider the pros and cons of such questions, the more would it be conducive to the growth of informed public opinion. At present the electorates, not to speak of the masses, have no idea of the machinery created by the M. C. Reforms, nor of the privileges and responsibilities which it has conferred upon them. The very conditions which promote the growth of informed public opinion are conspicuous to-day by their absence in our public life. What is of the utmost necessity to-day is to set up without delay, in the absence of active political parties, an agency to carry on publicity in certain directions. This agency should explain in the two principal vernaculars of the province, in short pamphlets the true meaning and scope of the political reforms, the functions of the legislatures, and the part which the electors play in them and the privilege they have of moulding the form of government and of shaping its policy, and the responsibilities that are thus cast upon their shoulders. The agency should also keep

the electors informed of the important proceedings of the council. The Government and Ministers may also from time to time enter into defence and explanation of their measures and policy. This is all the more necessary to combat the prejudices which are formed in the absence of vernacular newspapers temperate in tone and sober in outlook. Until these have come into existence it will be suicidal to the best interests of the country to sit tight and leave the masses to wallow in political ignorance and rust in prejudices created for them by the extremist vernacular press. A resolution to broadcast vernacular summaries of the proceedings of the Bihar and Orissa Council was adopted by that Council in the year 1923, but it was not taken up in earnest, and was given up as a failure. It seems that the experiment was not given a fair trial. To say that there was no demand for the publication is to presuppose that there was already political consciousness in the electors as early as three years after the inauguration of the present Reforms. If these publications had been continued they must have forced themselves upon the attention of the people for whom they were meant and stimulated their interest in politics. The masses in India are inarticulate, and it is expecting too much of them that they should apply for these publications, or express their appreciation by correspondence. Political and public bodies were so much occupied with the hectic days of Non-Co-operation that they had not by that time shaken off its influence. Their pronounced aversion to official publications may also explain the indifference. At any rate things have much improved since then and it may be hoped that the Commission will see the advisability of recommending the formation of such publicity organisations by Provincial Governments.

Public opinion is not much in favour of the nomination of officials to the legislatures. But we recognise that the legislatures will need expert advice and technical knowledge. Hence it will be desirable to reserve a few seats for officials, which should be filled by nomination of the heads and of the secretaries of one or two of the more important or technical departments. The only justification for the presence of officials such as the Secretaries of various departments is that they are to assist the Ministers. A plea like this, if resorted to at all, will not hold good in view of the fact that these Secretaries are as much birds of passage as, if not more than, the Ministers themselves. In the circumstances the bulk of the statistics and information, if not all, supplied on the floor of the council through the lips of the Ministers and of the Secretaries are supplied to these officials by the permanent heads of the departments, by whom we mean the Registrar, or the Assistant Secretary, and the staff working under him. While the Secretaries and the Under-Secretaries come and go, like the Minister, these permanent officials go on for ever till the end of their official careers. The services of the secretariat and of these permanent heads will always be available to the Minister and the Parliamentary Secretary. It is time that the office of Parliamentary Secretary provided for in the Montagu-Chelmsford Report should be created in every legislature. This will come as a handy patronage to the Minister and add support to his elbow. Besides, it will offer opportunities of training to capable men, and will mellow them through the sobering influence of office.

The territorial divisions of the country for administrative purposes into provincial units have been open to grave objections, and this for valid important reasons. No uniform principle has been followed in setting up these provinces, and it is no wonder that the Indian public have urged from time to time their redistribution on a linguistic basis. Nowhere is this defect more conspicuous than in our own province. Orissa has been tacked on to Bihar, although the former is far from the latter involving a good deal of administrative inconvenience. This is why two of the Judges of the Patna High Court have to hold



no country would like every three years to put up with the worries and expense of a general election, but also because in India this disturbing affair generates, each time that it takes place, a tremendous volume of communal animosity. We would therefore suggest for these weighty reasons that the life-time of the Legislative Assembly, and of the Provincial Councils which would under our scheme become the lower chambers, be extended to five years, and that of the upper chambers, both in the Central and Provincial Governments, to seven or eight years.

The position and powers of the Governor should be left intact, as these are by no means extravagant. We are against any power being given to the legislature to curtail the equipment and paraphernalia of Governor, necessary for the maintenance of the dignity of his office. They have conformed as far as possible to the practice of a constitutional ruler, and it may be hoped that as the Provincial Government corresponds more and more closely to a full fledged parliamentary cabinet system they will continue to act as strictly constitutional rulers.

The position of Ministers in relation to the Governor needs only such orientation as the implications of the cabinet system necessitate, otherwise the *status quo* should be maintained. It is highly desirable that one half of the number of Ministers should be drawn from each chamber and that the upper chamber should be the recruiting ground for the Chief Minister, who should have the responsibility of choosing his colleagues. This will promote solidarity in provincial cabinet which is soon to take the place of the present system of administration. The Ministers must work on the basis of collective responsibility. This will be in the interest of the healthy growth of parliamentary government in this country. It will stop Ministerial intrigue, averting much of the bickerings which interfere with the efficiency of administration. The essence of parliamentary government is the collective responsibility of the Ministers. But in India, partly due to the defective system of dyarchy, and partly to communal animosity, the principle of joint responsibility has been honoured more in the breach than in the observance. Much of this deplorable state of affairs is due to the absence of a strong political party in the council pledged to support the constitution. We have already dealt with the question of political parties in one of the foregoing paras.

The classification of subjects into transferred and reserved departments needs abolition by the transference of all subjects except three. The subjects now described as reserved should be transferred to the Minister, with the exception of Law and Order and Revenue. These should be transferred to the Central Government, and made imperial subjects. This will do away with dyarchy. Another alternative which suggests itself to us is that these subjects may be retained as reserved and form a new separate portfolio in the direct charge of Governor. They will thus to a certain extent remain within the purview of the local council, which will more effectively prevent breeding in the Police a spirit of irresponsibility. Revenue may also be classed as a transferred subject if a statutory safeguard is provided to maintain intact and inviolable the pledge given by Government in the past with regard to the zamindari tenure known as Permanent Settlement of land revenue, and to prevent attack on it either by direct or indirect taxation, proposals for which we have heard mooted lately. In passing, we may be permitted to note that this system was accepted by the zamindars in the beginning at a great loss, and that they suffered this loss for a long time. Now that they have improved the land by their own resources, and exertions, it will be against all accepted canons of fair play, justice and public policy to throw them overboard, and turn loyal and influential supporters of Government into a discontented community.

We consider that the inauguration of second chambers in all provinces is not only desirable, but

extremely necessary. The present uni-cameral legislature in the provinces is a popular assembly which will go on reflecting in its deliberations the prejudices and idiosyncrasies of an unenlightened proletariat. As a popular assembly, it will be prone to be swayed by the gusts of feelings of the unthinking masses. It will be the last place for a dispassionate discussion of public questions. Yet it will be the provincial legislature which will play in an ever increasing degree a very important part in the life and affairs of the people. It would therefore be necessary to constitute a revising chamber working side by side with the popular chamber. The necessity of an upper chamber will become all the greater when we bear in mind that there will, in all probability, always be, in this country, so long as the present alien Government continues, a political party strong enough to be reckoned with, which will be actively ranged against the Government and will try to wreck any constitutional machinery set up by it. If England, with its literate population and informed public opinion, has felt the necessity of a revising upper chamber consisting of the conservative elements in society, there is no reason why the system of bicameral legislature should not be introduced into this country. It will not do to dismiss this idea by saying that there are difficulties in the way of this suggestion being given effect to; nor need the setting up of as many upper chambers as there are provinces frighten anybody. We note that in the past this question has not engaged the attention that its importance demands. But we hope that the present Commission will be impressed with the force and validity of this proposal.

What will be the constitution of this chamber is the next point to be discussed in this connection. We would not lay down any hard-and-fast rule as to the number of seats in the upper chamber. It should consist of the holders of hereditary titles from Raja and Nawab to all higher orders and the heads of impartible estates. It should be noted that in this province such persons number only some half-a-dozen. They should not have to depend either on nomination or election but should have hereditary seats.

Five seats should be reserved to be filled by nomination by Government from among (a) retired Ministers, (b) ex-members of the Executive Council either of the Governor or of the Viceroy, (c) retired members of the High Court bench, (d) ex-Presidents of the various legislative bodies, and (e) ex-Vice Chancellors of the University, resident in the province concerned, or (f) from among those who have as non-officials rendered notable service to the country by their long connection with its public life, and who would be unwilling to face the music of a general election, but the benefit of whose advice and ripe experience the country can ill-afford to lose. Eight seats should be filled by nomination from officials, including the Ministers and the members of the Executive Council. The rest of the seats, which will be fifty per cent. of the total number, should be thrown open to election. The qualification for voters in the present special constituency of the landholders for the Provincial Council should be retained, each district forming a constituency and returning one member. A member of the future equivalent of the present Council of State should have the right to take his seat in, and take part in the discussions of, his provincial upper chamber. Four seats should be filled by the election of members of the lower chamber, as well as of ex-members of the provincial councils who have put in ten years of service in them. One seat should also be reserved for the planters in the province. Five seats should be filled by election by the representatives of the assesses of income-tax and super-tax to return one member in each division. One seat should go to elected representative of the Indian Mining Federation and one to that of the Indian Mining Association.

The table below will show at a glance approximately the various elements and their strength







## MEMORANDUM SUBMITTED BY BIHAR AND ORISSA MUSLIM ASSOCIATION.

*Provincial Second Chamber.*--We would amend the constitution proposed by us for the Upper Chamber in a province thus:--

1. Automatic seats. The following classes of people should have a right to sit in the upper chamber by virtue of their position without the necessity of offering themselves for election:--

(i) All Rajas and Raja Bahadurs, hereditary and personal; (ii) all Nawabs, hereditary and personal; (iii) all proprietors of impartible estates paying a revenue of Rs. 10,000 or above.

2. By nomination. Ten seats must be filled by nomination by Governor from among ex-Ministers, ex-Members of the Executive Council, ex-High Court Judges, ex-Vice-Chancellors and ex-Presidents of the provincial legislature resident in the province concerned.

3. By election. Fifteen seats should be filled by representatives of land-holding constituencies consisting of voters who pay either Rs. 4,000 as Government revenue or Rs. 1,000 as cess. Five seats should be filled by representatives of commercial classes. Ten members to be selected by Lower House from a constituency consisting of the members of the Lower House and ex-members of the council. Total 30.

All Ministers must be *ex-officio* members of the House. Experts may be nominated from time to time when necessary, but they cannot vote.

The Upper Chamber will share equal right in initiating legislation with the Lower House. It will have a revising power with regard to Money Bills which will originate in the Lower House alone. The Upper Chamber can amend as well as reject Money Bills.

*Upper Chamber in Central Government.*--The Upper Chamber of the central legislature will consist of

same elements as make up the provincial Upper Chamber and will be drawn through similar three channels thus:--

(1) Automatic seats. We propose to introduce the principle of hereditary seats in this Upper Chamber also as we have done in the provincial Upper Chamber. For this purpose, all Indian title-holders above those of Raja Bahadur should have the right to sit in this Upper Chamber.

(2) By nomination. A certain number of seats to be filled by Governor-General from among ex-Members of the Viceroy's Executive Council, ex-Presidents of the Central Legislature (both Houses), and ex-Chief Judges of High Courts, resident in India.

(3) By election. The remainder of the seats to be filled by members elected by voters enjoying substantial property qualifications or paying high income tax and by members returned by the Legislative Assembly and the provincial Upper Chamber and also by the representatives of such other interests as may be of all-India importance.

In conclusion, we would point out that we have only indicated changes in the present constitution which is based on responsible system of Government on the lines of western countries with slight modifications here and there suitable to local conditions. But we feel very strongly that India requires a constitution which should not be a blind imitation of the West. India's peculiar conditions, circumstances, habits, sentiments, traditions, temperament and atmosphere require a constitution which should be an admixture of suitable features of both the eastern and western statecrafts. We hope this Commission will be able to evolve a constitution of the type which would confer blessings upon all classes and communities in India.

## Memorandum submitted by BIHAR AND ORISSA MUSLIM ASSOCIATION.

## INTRODUCTION.

In presenting the case of the Muslims of Bihar and Orissa for the safeguarding of their minority and communal rights and interests in the ensuing political, economic and administrative readjustments and Reforms we propose to take advantage of the suggestion offered by the Secretaries of the Statutory Commission that we are "not expected or required to deal with all subjects covered by the Commission's terms of Reference but only such as especially concern the case to be put forward" by us. Our reply to their invitation to present our case will "not cover the whole field under each head but will be limited only to particular matters desired to draw attention to." This will, of course, not be taken to imply that Bihar and Orissa Muslims are one whit less interested in any other matter affecting British India and the Province or, as Mr. Lloyd George has just put it, in "the whole field of the future governance of India which lies open to the Commission."

If anything the Muslims are even more interested than others in the general political progress of this great country, to which they have given their own glorious traditions of organised democratic Government and of the generous treatment and status of minorities, as well as of recent executive institutions and civic and financial developments which still form the basis of modern Indian Administration. Equally are they interested in the economic and administrative reconstruction and reform of an existing order of things where, to quote the greatest chronicler and statistical authority of British Rule in India, Sir W. Hunter, "from the highest official to the lowest

there is a firm conviction that we have failed in our duty to the Muslim subjects of the Queen. The great section of Muslims were declining under (the present system of British) rule; and in every District the descendant of some line of princes is suddenly and proudly eating his heart out among roofless palaces and weed choked tanks. The Muslims were excluded from the army and the law; and revenue administration passed out of their hands; the judiciary was either Anglicised or Hinduised, while the Permanent Settlement (and its pitiless Resumption Laws) led to the wholesale eviction of Muslim landlords and purchase of their estates (after deliberate or accidental defaults) by their Hindu servants. The Hindu Collectors of revenue were transformed into landlords and their Muslim masters became their serfs." That Indian Muslims are always giving actual proof of their vital interest in British rule, as well as in the progress of self-government, is undeniably demonstrated by the fact that the proportion of Muslims in the Army to their total population, according to figures supplied by Government of India during the Great War was much higher than that of any other community.

We whole-heartedly and emphatically join in the popular demand for Indianisation of the services and the Army, the immediate termination of Dyarchy and grant of autonomy to the Provinces; and the introduction of the fullest responsiveness to public opinion and of representative government in all nation-building Departments of the Administration. We join unequivocally in the demand for the long and unjustifiably overdue separation of the executive and judicial functions, the abolition of the entire India

Office and of its control over the Governments in India, in the granting of larger powers and broader franchise to the local bodies and the legislatures, and fullest responsibility of provincial cabinets to the legislatures and in the joint responsibility of Ministers. We also demand the curtailment of the present extensive and dangerous powers of the Provincial Governors to veto all important measures, to dismiss any or all the Ministers and to resume direct charge of any or all the departments, to secure passage of any legislation he considers essential, to restore any budget heads voted down in the legislatures by the simple and elastic process of arbitrary certification. We join also in the protest against the appalling growth of administrative expenditure and the disproportionate enhancements of salaries and allowances to the Superior Services, and against the consequent starving of the nation-building departments of Education, Sanitation, Industries, Agriculture, etc. We resent also the indirect and damaging control of the Finance and Political Appointment Departments and its members in charge over the expanding activities of these other Departments, which has been complained against vainly by many Executive Members and Ministers quite recently.

We are, in our memorandum, confining ourselves to those other and even more fundamental and immediate questions of administrative and economic readjustments where the Muslim interests cannot, for some time to come, be adequately reviewed or pressed for in joint or national demands and representations. This we do in no schismatic or anti-national spirit; but merely to secure that fair distribution of material rights and intellectual and social developments which can alone make uniform progress or efficient administration possible. That such separate and special rights and interests exist has been repeatedly and unreservedly accepted alike by the Indian and British Government and by all sane political leaders. That the safeguarding of them is an urgent and important problem is amply recognised in all the Despatches, Reports, Pacts and Constitutions hitherto evolved, and has recently been emphasised by the communal tensions and riots, which are admittedly the natural result of politico-economic maladjustment under present form of the Reforms, as frankly confessed in the official review of "India in 1926-27." That these minority claims cannot be recognised by "a purely mathematical treatment especially in Bihar and Orissa, U. P. and Bombay" has been asserted in his dissenting minute to the Government of India's Fifth Despatch by Sir William Vincent, an executive member of the Viceroy's Council from our Province, where he said "Lord Minto gave on behalf of the Government of India a binding pledge to the Mohammedans which Lord Morley endorsed and Lord Hardinge repeated that their position should be estimated not merely on their numerical strength but with respect to their political importance." That these rights are not merely conditioned by or limited to religious differences we will make clear in subsequent detailed chapters, and this has been comprehensively indicated quite recently by Mr. Lloyd George when he drew pointed attention to the fact that "a great practical difficulty arises from the fact that religion divides the people into separate communities in a way for which there is no precedent or comparison in any other country . . . and the Muslims would view with horror any arrangement by which the preservation of law and order would (in the present transitional stage) be naturally left in the hands of the Hindu majority." That these special interests constitute a fundamental problem even in cases where there is numerical majority has been analogously admitted in the joint Report of 1919 where it is pointed out that all over India the non-caste "other Hindus," who number about one-fifth of the total population of India, are (politically and socially) in a similar position to the Madras Panchamas, and were unrepresented in the Reformed Council of 1909." This was also emphasised

by the Government of India in the famous Fifth Despatch as follows:—"If the Reforms of 1919 are not to start with a heavy handicap . . . we cannot expect co-operation and good will of the non-Brahmin so long as there is no provision to secure their interests. The Madras representatives upon the subjects committee of the Statutory enquiry of the Montagu-Chelmsford Reforms declined to recommend the transfer of any subject in the Madras Provincial Government unless separate provision is made for the non-Brahmins; and we are certain the Madras Government share this view." If this is the unabashed attitude and position of a community which has, as the Franchise Committee pointed out, "an overwhelming electoral strength of 22 to 1 and electors preponderance of 4 to 1," it is not difficult to understand the position of the Muslims who are in minorities of 11 per cent. in Bihar, 4 per cent. in C.P., 3.5 per cent. in Burma and only enjoy a nominal majority of 54 per cent. and 55 per cent. in two out of 9 Provinces where, however, they are almost equally under the domination of Hindu money-lenders, lawyers, Zemindars and landlords agents (as graphically pointed out ever since the days of Sir W. Hunter) and where their present election strength is still considerably less than that of the Hindus and their representation in council approximates to 30 per cent. only. In the Superior Services of the Government of India Muslim representation stands at 2.9 per cent. as against 20 per cent. for Hindus and 77.1 per cent. for Anglo-Indians and Europeans, whereas the Muslim population in India is 24.07 per cent. With regard to this unsatisfactory position of the Mussalmans in the services an ex-President of the National Congress and Muslim League and ex-Executive Member for Justice and Police, the Maharaja of Mahmoodabad felt constrained to remark that "the Muslims regarded separate and adequate representation as a *sine qua non* of their adhesion to the introduction of popular franchise." They would have no hesitation in withdrawing their support (from the Reforms and national agitations) if they find that under the proposed scheme their position in the administration of the country would be worse off than what it is at present. It is but natural that they should not like to be dominated by any other community. As pointed out by the Right Honourable Mr. Amir Ali in a letter to the *Times* in 1920, tampering with the communal representation of the Muslims (in electorates and services) would "create distrust both in the pledges of the Government and of the Hindu leaders." The 10.85 per cent. Muslims of Bihar and Orissa and 22.07 per cent. of India are not reactionary enough to deny "all goodwill and support to national or Reform Schemes" and insist on "non-transfer of any subject," like the Non-Brahmin majorities of Madras, nor (as Lala Lajpat Rai admits in his press letter of 27.4.28, about the Democratic League of the Punjab 31.8 per cent. Hindus *cum* 11.09 per cent. Sikhs) would Muslim "like Government to resume its pro-reform absolutism, unless this undemocratic body of foreign dictators could give us a constitution which would reorganise communal representation" in favour of the Punjab Hindus. But we wish it to be distinctly understood that we want effective and automatic safeguards of our minority and communal rights to be incorporated as a fundamental clause in all future constitutions and administrative and services schemes. In the present conditions in India we would not recommend the transfer of the subjects of law and order as well as of Justice and Defence. Equally would we then hesitate to ask for the withdrawal of the present check by the Governors and the Viceroy over the Ministers or over majority votings of Budget heads or essential legislation. We would also have the greatest difficulty in asking for larger powers of financial and administrative independence of Municipal, District, Local and other bodies if we continue to find that present conditions persist when, controlling in Bihar and Orissa populations of 11 lacs,

3 crores and 2-6 crores respectively and financed to the extent of 48 lacs, 1-5 crores and many lacs annually, as they did in 1925-26, they possess only 1, 1 and 2 Muslim Chairmen respectively out of 58, 19 and 46 "bodies," and as admitted by the Government "in the 1921 elections Muslims did not secure even their former position and the 1927 elections turned out even worse," so much so, as Mr. Naim proved in Council, that "out of 29 Local elective bodies Muslim were entirely unrepresented in no less than 27." We will have more to say presently about the almost complete exclusion of Muslims in most local bodies from educational grants-in-aid; from expenditure on Maktaba and Urdu Schools, grants for Buildings, Furniture and Library, grants to Muslim Primary and Secondary Schools.

**Methods of Representation.**—The present system of representation by means of separate electorate should continue. This principle of representation has been definitely recognised in the Montagu-Chelmsford Reforms as the Southborough Commission says: "The Montagu-Chelmsford Report recognises the necessity of communal Representation for the Mohammedans. All Local Governments and most of the evidence we received is unanimously in favour of this. The Hindus are in substantial agreement with this common desire; as expressed in the National Congress-League compact of December, 1916, at Lucknow (which the Government described as a landmark in Indian politics and an accomplished fact) so also are a great majority of associations, political and non-political. We also agree with the advice of the Local Government of Bihar and Orissa, Punjab, Bengal, U. P. and Bombay, not to revive a controversy that has been largely composed already." The Government of India in its Despatch on this report also admits that "India is not prepared to take the first step towards responsible government upon any other road. In determining the ratio in the various Provinces we should have to start with certain established data: (1) The Mohammedans have been definitely promised some electoral advantage on the ground of their political importance; (2) They are the poorer community; (3) Their Census strength by no means corresponds to their political importance; past history and the presence of Muslim centres count for much; (4) We think it a valid answer to observe that the effect of a minority depends upon its being large enough to have the sense of not being overwhelmed." Since, however, "the controversy" has "again been revived," in an anticipatory attempt all over Hindu India to cloud the issues before the Commission, it may not be out of place to very briefly review the history of these minority rights and communal representation in India, Europe and elsewhere in past and in recent politics.

Classical history presents definite and numerous instances of such safeguarding of minority rights and fixing of communal, political status of subject races, foreigners, aliens and even of slave communities in Rome, Greece and elsewhere. We Muslims had most elaborate and even over-generous mandatory political and religious enactments for the safeguarding of the special and communal rights and liberties of the subject non-Muslims and the Christian and Jewish foreigners. These safeguards were invariably incorporated in the instruments of appointment of all the distant Governors all over the vast Islamic Empire.

Nor is the doctrine of communal representation new to India. Its history since 1909 has just been given and we cannot do better to prove its effectiveness in nation-building than to quote from a Hindu ex-Minister, Mr. Chintamani in his evidence before the Reforms Enquiry Committee on August 18th, 1924, when from his vast administrative, political and journalistic experience he said that owing to the grant of separate electorates to Mohammedans in the U. P. District Boards there was "less friction between the Hindus and Mohammedans." But history in this respect goes much further back than 1909.

"It has been acknowledged that there is in favour of communal representation a large volume of weighty opinion" held presumably after thorough enquiry and mature deliberation by responsible statesmen of the high position of Lords Dufferin and Lansdowne (of course then this applied only to nomination and appointments). We have to consider whether there has been such a development of unity of purpose and identity of interests and such an improvement of political relations with the Hindus as to justify the ignoring of this weighty consensus of opinion."

"The Morley-Minto Reforms of 1909 secured communal representation to the Muslim. Repeated failure of the community to get some of their best men elected convinced the authorities of the necessity for a special electorate; but only a limited number of seats was reserved for these special electorates. Finding, however, that this arrangement failed to secure the required representation even those progressive members of the community who were so long opposed to separate representation, realised that the interests of the community would continue to suffer unless the special electorates could return a much larger number; and they prevailed upon the leaders of the Hindu community to acquiesce in an agreement by which Mussalmans could secure adequate and effective representation at a concordat in the Congress-League meeting of 1916," which has been consistently respected by all the successive Viceroy and Secretaries of State and the British Parliament. Similar separate and adequate representation has been vouchsafed to the Sikhs of the Punjab and in even more generous measure to lesser communities like the Europeans, the Landholders, Miners, Planters and the Universities, as well as by nomination to the Indian and European Chambers of Commerce, Labourers, Aborigines and the Depressed Classes.

And yet it is unblushingly asserted that communal representation and the protection of the linguistic, educational, social and administrative rights of minorities is merely in "an experimental stage; and is in Europe just being tried only in new States that are in state of flux." The vain tinkering with the political and communal rights of the Irish, which had to end in establishment of a separate kingdom of Roman Catholics is safely forgotten. So also is the tenacity with which French Canadians have clung to their own language and educational policies culminating as early as 1867 in Article 93 of the British North America Act, laying down that "... where in any Province a system of separate or Dissident schools exists by Law and Union, or is thereafter established by the Legislature of the Province, an appeal shall lie to the Governor-General in Council from any Act or Decision of any Provincial Authority affecting any Right or Privilege of the Protestant or Roman Catholic Minority of the Queen's subjects in relation to Education."

We have the first hand testimony of a historian and a constitutional authority like Dr Shafaat Ahmad, D.Litt., M.L.C., to assure us that "the Minority clauses have worked on the whole most satisfactorily in the new European States." It is significant that these clauses came into being at the instance and insistence of Tiger Clemenceau, the democratic President of France, the original home of modern liberty, equality and fraternity, and that they are foundation of a separate section of the League of Nations concerned exclusively with minority clauses called the Minority Section. Indian nationalists, the Government and the Parliament should take special and effective note of the following extract from the original letter of M. Clemenceau to the President of the Polish Republic dated June 24th, 1919, laying down policy of the Allies: "It is believed that these down populations (inevitably speaking languages and populations belonging to races different from that of the people with whom they are incorporated in the New European States) will be more easily reconciled to their new position, if they know that from the very beginning they have assured protection and adequate guarantees



the Bill or any clause thereof or the resolution." This provision appeared so reasonable, even to the Hindu leaders, that they have always supported it after having evolved it in cordial co-operation with the Muslim leaders at the Lucknow concordat. Even Lord Morley had to modify his views on the fundamental nature of such safeguards, and wrote in his Reminiscences: "It is better to compromise than to extinguish the rights of nationalities, when these are based on so fundamental a principle as attachment to a religious ideal or so innate a feeling as the sentiment of nationality; it is not justice to ignore the claims thus created in favour of a theoretical uniformity." The League guarantees such rights, and Switzerland has long honoured them constitutionally, even "wherever a considerable fraction of minority populations exists" and the determination of what constitutes a considerable fraction is not left to the government concerned, but is to form a subject of reference to the League of Nations and to be fixed by definite enactment.

Since the Lucknow pact, however, three things have occurred: (1) The Mahasabha leaders like Dr. Moonje and Messrs. Kelkar, Lajpat, etc., have tried to repudiate especially this part of the compact, and to wriggle out of the whole commitment after it had for years been accepted by Government, Congress and Parliament as an accomplished fact; (2) The Government of India in their despatches have tried to explain it away as "mere political negotiation rather than deliberate reason," and contemptuously waved it aside as "closely affected by accidents of place and personnel"; (3) Communal tensions, riots and majority resolutions in Councils and local bodies have multiplied. In spite of Lord Irwin's fervid, noble and genuine appeal to the leaders and the masses, "40 communal riots took place in India in the year ending April, 1927, resulting in 197 deaths and 1,598 injuries, of which 34 developed from music before mosques or during the religious ceremony of one or the other community . . . goodwill has been protested but not translated into action . . . Hindus with greater aptness for English study, subtler minds and strong economic position accepted (with a vengeance) all the implications of a Parliamentary majority and of responsible government of a democratic type, with its tremendous powerful central doctrine of government by majority . . . yet in most essential things in life Hindus and Muslims always kept aloof." This is from the government of India review for 1926-27. "Here in Bihar and Orissa," says the Quinquennial Education Report, "Complaints have been received now and then that teachers foster feelings of hatred in their pupils by their advice, actions and teaching . . . and mutual ill-feelings and recriminations . . . are becoming every day more and more acute." We need not say who the aggressors are in these recriminations when we know which community preponderantly mans the teaching staffs of schools and patshalas. The Local Government Resolution on the Police Reports of Bihar and Orissa for 1921-27 year after year draws pointed attention to "the growth of communal riots which numbered 71 during one year alone and culminated in the now notorious Shahabad Riots of 1926 which broke out at Sasaram and the Bakr-Id riots on the borders of Muzaffarpur and Darbhanga and 10 riots and great tension in Balasore . . . as well as in other distantly separated parts of the Province which entailed much heavy work on the police and grave anxieties especially during Bakr-Id, Desahra, etc. . . . and animosity caused owing to the Sudhi and Sangathan movements." Even within the sacred precincts of courts of Justice we find numberless cases of gross miscarriage of justice owing to sheer communal bias. Owing to the delicate nature of this aspect of the question we refrain from citing instances of such "communal" action in civil and Sessions Courts. But the most recent case of Patna City itself we may safely quote on this point. In the Government appeal judgment against acquittal of a Hindu clerk (charged with

embezzling public money) originally tried by a Hindu Senior Magistrate, the Honourable Mr. Justice Macpherson unhesitatingly observed: "Especially deplorable is it that owing to the fact that the accused was of one community and the gazetted officers and the Head Clerk were of another, a communal flavour was recklessly imparted to the case; and thereupon so many Government clerks and peons, all belonging to the community of the accused, concertedly perjured themselves without scruple in support of the egregiously false and cruel defence evolved that the embezzler had made over the money to the Head clerk (a Muslim), and the (Hindu) Magistrate had not only rejected the simple and straight-forward case of the Crown and accepted the transparently concocted case of the defence, but should have written a judgment, not only intemperate and unbalanced but so biased that Counsel for the accused could only throw it over as impossible to support."

The Muslims of Bihar and Orissa and of India, therefore, now insist that in the same way as in Europe the linguistic, religious, educational, political and administrative rights of the Muslims must be regarded and constitutionally fixed as fundamental. They cannot be changed by the Indian Parliament or any Provincial or local legislature or Boards containing a non-Muslim majority or a Muslim majority dominated (like the non-Brahmins of Madras or Muslim of Bengal, as emphasised in Government of India Despatches) by caste Hindu landlords, officers, agents and money-lenders. The sanction must be the sanction of the British Parliament and fundamental Muslim rights, which we are indicating subsequently, incorporated in the "constitution" of India and safeguarded against all hasty change, till such time as the ultimate growth of mutual trust and goodwill, of political as opposed to communal public morality and conscience and of a more "uniform level of culture, education and economic developments" make the Muslims themselves call for this change by the guarantor British Parliament.

The Commission has very rightly put the subject of electorates in the very forefront of its note inviting memoranda, because it now forms almost a single issue test problem of Indian Politics, high, local or rural. Intrinsically this question is not so important as that of guaranteed fundamental safeguard of minority rights and communal representation. But it becomes unavoidable in the state of things depicted above which, to quote the Director of Information, is "likely to grow in intensity with further extension of the Reforms, bringing India face to face with some of the problems . . . of self-government and precipitating a (greater) struggle for powers and emoluments of office and, in fact, for control of the machinery of government." Besides, this problem has been further complicated by the timorous, sophisticated and piecemeal manner in which the otherwise unimpeachable transitional process of separate electorate has been tried out in India; thus putting further back the happy day when "necessity of its enforcement" may be prevented by spontaneous confidence. In spite of "the weighty consensus of opinion" since the days of Dufferin and Lansdowne, separate electorates did not exist before 1909, when, however, it was introduced only for microscopic number of Provincial Council seats, the bulk of the seats remaining open to the Muslims as general constituencies. These latter were, except in one solitary and abortive instance, never contested by Muslims in Bihar and Orissa. And all over India Muslims failed to get even their best men elected through them from Council, landlord or University constituencies, Mining, Commerce or Industry, presumably because they have not (like the non-Brahmins and Europeans and Anglo-Indians) the non-Brahmins and Europeans and Anglo-Indians) the "any earthly chance of being returned." This arrangement, therefore, proved unsatisfactory and inadequate to secure Muslim representation even in majority provinces like Bengal and the Punjab. Accordingly in 1919 a more thorough-going policy

of separate electorates was adopted in the minority provinces and the same also extended to the two majority provinces. But still separate election was confined to the seats for the Local Council, Assembly and the Council of State, and did not extend to local bodies or the so-called mixed constituencies. The result has been that communal pressure has failed to be relieved in higher political spheres, while communal tension was being accentuated by the hysterical and suicidal majority actions and elections in the growingly rich, powerful and wide awake local bodies. This danger became so imminent that an 86 per cent. Hindu majority in the U. P. Council spontaneously introduced separate election in the District Boards elections; with the result that even Mr. Chintamani says "separate electorates to District Boards had removed one cause of friction."

Similar removal of friction in Municipal, District and Local Boards is the most urgent problem all over Urban and Rural India; and we will soon demonstrate this unanswerably with facts and figures about the local bodies of Bihar and Orissa. It is worse than futile to have separate electorates in higher legislatures if it be not also introduced in the lower training grounds where really self-government is actual and operative in the everyday political, educational, sanitary and economic life of the masses of Indian population. The present position is anomalous and inter-communally fraught with dangers which have only just begun to become apparent in their lurid nakedness. Nor has "there been such a development of unity of purpose and identity of interest or such improvement of political relations" as to justify the removal of the separate electorate altogether. The only logical and safe alternative, therefore, is to give this system a thorough, fair and unfettered trial right through the whole gamut of our representative and administrative institutions.

Separate electorates seem, for the present, the only form of protection for Indian minorities, scattered over large areas aggregating 18 lacs of square miles, and differing widely in quality and quantity of intelligence, discipline and economic and political organisation. Examples of virtual exclusion of Muslims in all mixed constituencies, as already pointed out, and in all local bodies where joint electorates prevail merely point this moral. If to quote again from the Southborough Report backed by subsequent Parliamentary sanctification, they secured this "even perhaps at the cost of disregard of sound constitutional forms." If "Reservation (of seats in mixed electorates) is not acceptable to non-Brahmins because they mistrust candidates in whose election Brahmins would take part, however limited may be their number of votes," if the astute "organised" Mahrattas, who, according to the Southborough Committee, "number five millions as against 14 millions other Hindus and possess predominant voting strength in the five districts" where they abound, have claimed and got separate electorate in spite of the Franchise Committee's unequivocal and strong protest, what chance then is there, under conditions already indicated, that Muslims who are not in a 22/1 majority but 10/1 minority in Bihar and Orissa and who eat, think, worship and live differently, will not "mistrust" co-religionist puppets who will be put up as creatures of the landlords, moneylenders, lawyers and politicians of an aggressive and overwhelming majority community? We have no desire to be hard on our black sheep, who are under such cruel domination and will not show up such individual cases which are already familiar in Municipal District and Local Boards, wherever joint elections prevail in minority and even majority provinces with Hindu domination.

Separate elections for the Peers exists and has existed for centuries in at least the Upper C of the Mother of Parliaments. It existed in Hungary, in Cyprus and in Palestine.

therefore, to see the honesty of political wisdom of the traders that are indulged against it by Majority Hindoos, who, however, claim 50 per cent. and secure 33½ per cent. representation in the Police of a would-be Province, where they will be in a minority of 3 per cent. Nor do we see why Lord Olivier, himself a Peer of the Realm, should lose his customary clarity of thought and generosity of sympathies and "despair for a constitution resting on the disastrous expedient of communal representation aggravated and intensified by communal jealousies and hostilities" (which the Lucknow Pact and the separate electorates of U. P. District Boards have been authentically admitted to have largely composed already). That Indian Muslims do "have a case" was admitted in 1923 by the Leader of the Assembly, Sir M. Hailley, when he said: "However much some of us may desire to see the end of communal representation (through separate electorates) the history of the past three years has shown us that India at large is not yet ready to abandon it. There may come a time when education and social advancement will secure that result, when all such difference will be lost in the larger sentiment of nationality or social service. But that time is not yet."

We have already quoted the authority of all successive Secretaries of State, Viceroy and Commissioners to establish the fact that, in minority Provinces, Muslims should get an allotment of seats much "in excess of their numerical and mathematical strength" in order to make their representation effective by "making them feel that they are not overwhelmed." In the "accomplished landmark" of Lucknow Pact Hindu leaders have admitted that an effective minority can do them no harm, while it secures the permanent goodwill and confidence of their Muslim compatriots. The 25 per cent. of seats in all legislatures allotted to Muslims in Bihar and Orissa by them has been inviolably upheld by the Franchise Committee, Government of India Despatch, Parliamentary Joint Committee and embodied in the Reforms Act. This 25 per cent. also approximates to the more scientific dissent minute allotment of Sir W. Vincent when he said that "the strength of Muslim interests in Bihar and Orissa, U.P. and Bombay calls for some further moderate adjustment (from what the Committee and the Despatch had conceded). . . . Some special constituencies (like Indian commerce, landholders, University, etc.) cannot be suitably subdivided on a communal basis and in these it can be expected that non-Mohammadan interests will predominate. . . . (I would, therefore,) where Mohammadans are in a majority let them get representation in that proportion and where they are at their weakest let us double that proportion."

After this it is unnecessary for us to add anything beyond our rightful claim that; (1) Muslims in Bihar and Orissa should be guaranteed (in the new "constitution") representation by separate electoral rolls at the fixed ratio of 25 per cent. of the total number of seats in all legislatures; (2) that they should be allotted the same representation in all local bodies except in Chota Nagpur and Orissa where their "proportions may be doubled" as there, their percentage ranges from 1.7 to 3 per cent. in rural areas; (3) that areas of constituencies, qualification for franchise and seats should be scientifically readjusted to suit this ratio in reference to Muslim electors; and (4) that "no law, regulation or official action shall prevail against" this fixed allotment. Let us give a fair, conscientious and whole-hearted trial to this system as it is the only salvation for political India till we again (and on a more permanent and intrinsic footing) restore the mutual confidence and affection and the consequent administrative efficiency of the short-lived and artificial approximation of 1919-20.

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latures,



## MEMORANDUM SUBMITTED BY BIHAR AND ORISSA MUSLIM ASSOCIATION.

[Continued.]

before we begin our specific requests and demands about them, is to urge Government members not to be nervous or procrastinating about answering questions and supplying information and figures called for. This has been one of the greatest stumbling blocks in the way of popularity of the Councils and of the birth of a tradition of sobriety and responsibility among the Councilors. We admit that with "no powers of initiative" members and especially minority members, may be inclined to let off energy and release their depression at majority dominance by asking too many questions. But this is merely natural and will soon work off; unless resentment is caused by lack of patience and tact on the part of those who sign every official letter as "our obedient servants" and have actually got a phony tradition of "Slaves" to be proud of. For instance, in the writing of this memorandum, extreme difficulty was experienced in wading through a mass of barren questions in Local Council on points of Muslim representation, enlargement of responsibility of public bodies and workers, etc. We know this is a difficult subject to lay down specific constitutional clauses about. But equally have we watched its harmful effects in Council, Press and public in unduly and undesirably discharging Reformed legislatures; so we must on the constitution makers to end or at least mend this state of affairs. For instance, there might be great difficulty in securing good debaters and tactful and helpful Government representatives among officers who have for years specialised in field, file or "expert" work; and the growing volume of Council work may be a serious hindrance to overworked Secretaries and Heads of Departments. In that case, it might help efficiency to relieve these officials of Council duties and select, or train a separate set of officers to present the Government views of one or several departments and to supply information with respect to them and take part in debates and even carry on propaganda for popularising Government generally and Government policies in specific matters by mixing freely and intimately with the Indian leaders of thought and politics in and outside the Councils. Also, the Ministers must have Parliamentary Secretaries to do the routine part of these duties for them and leave them time and peace of mind to conduct the more important piloting of serious measures in Council and to carry on their important and heavy normal administrative duties. Then alone will disappear all complaints of hindering rather than helping by Government replies, or of inefficient or snappish budget and Money Bill speeches. Nor will exuberant junior secretaries feel any necessity to repeat warnings in loud chorus to bring impatient or inexperienced Councilors to their senses, as if arrogating to themselves the powers of the Speakers of the Indian Parliaments. All these are not "minor points" but really major irritants. Safeguards should be made for adequate representation of Muslim interest in the Cabinet by Statutory provision. Also, in view of the political power residing in the will of mathematical majorities in legislatures, would ask for grant of some special power, to be used only in exceptional cases, to enable the Governor to save the situation when a majority makes a dead set to oust a conscientious minority community Minister or create a deadlock in departments under his charge, or to hastily reject measures brought forward by him or to exasperate his community by private bills affecting it adversely in fundamental matters. Apart from this we would ask for withdrawal of all initiative powers on the part of the Governor, and especially so in the case of money matters and legislative resolutions. We consider the checking effect of the Viceroy's assent quite enough in the Assembly on the analogy of similar assent and signature of the Emperor, whose Vice-regent he is, for measures passed by both Houses of Parliament. In the case of Provincial Legislatures there may be the further

check of the Government of India's sanction being necessary to all Bills involving fundamental or material change of policy or principles.

With the grant of Provincial autonomy and larger and quicker Indianisation of services, we would, as a natural corollary, ask for much enhanced powers of initiative and administrative responsibility for the legislatures; because it is primarily to check and direct the governmental agencies that legislatures exist. And as these agencies are growingly manned by Indians, so should the accredited representatives of the Indian people have more control over them. Specially in budget and allotment matters should these powers be extensive and final, except in so far as intercommunal adjustment is concerned, which should, as already indicated, be governed by specific fundamental clauses which shall not be subject to whims of majorities or "the accidents of time, place or personnel." As a natural result of these enhanced powers we would ask for a larger number of sittings during each session and in the whole year—especially of sittings devoted to private business, which, as already indicated, will tend to increase, in the first instance, even disproportionately. The present 36 or 40 days' total yearly sitting of the Bihar and Orissa Council or Assembly, however convenient to minimise the main "delaying powers of legislatures," will be grossly insufficient for anything like real responsible autonomy.

If Provincial Governments are to be autonomous (which is the minimum joint demand of India) and Central Governments largely so (limited only by the Viceroy's direct charge of defence and foreign portfolios), we take it that there will be need for no official members, but the Ministers and their Parliamentary Secretaries, in the Provincial and Central First Chamber. But in order to help in the training of the new Councilors and to supply information and expert advice impartially to all parties and communities, we would demand the presence, for some time to come, of Government officers and experts in the Councils who will be able to take part in the debates but not vote, a practice by no means new to Indian legislatures and prevalent in many deliberative and representative institutions all over the world. These non-voting members to be in addition to the Parliamentary secretaries in all and official members in the Viceregal portfolios of the Central legislatures. For the Bihar and Orissa Council we would suggest the number of such officials to be 18, corresponding to the number of main departments under the Local Government. We will not specify the departments as at present constituted, because it might be necessary to re-shuffle or re-group them for Council representation purposes after Provincial autonomy is introduced.

Regarding bicameralism and federalism, opinion is veering round in its favour among Muslims and other minority communities as a further and effective check on hasty or majority or extremist legislation by the greatly enlarged legislatures. We think that Muslims would not be opposed to bicameralism even in the Provinces if (1) thereby the conservative and over-orthodox Hindu elements were not unduly fortified in the power they already possess as majorities in the Provincial first chambers; (2) the landlords and money-lenders who are already dominating over them are not unduly fortified in their political power; (3) no double representation is secured to these classes as such in both chambers; (4) the Second Chamber is not used as an arbitrary or reactionary instrument of normal legislation, but is constitutionally limited to functioning as a revising senate of wiser, old and more learned law-givers; and (5) it does not possess any drastic powers over money bills. With these safeguards guaranteed in its constitution we would welcome a Second Chamber in the Bihar and Orissa legislature.

## CASE OF BIHAR AND ORISSA MUSLIM ASSOCIATION.

[Continued.]

## ALLOTMENT OF SEATS AND FRANCHISE.

Regarding franchise and numerical strength of legislatures and allotment of seats in them to Bihar and Orissa Muslims it may be helpful if we review the present position in all of them very briefly for Bihar and Orissa. A few facts and figures will explain the present political and economic local position :—

Population.	Area.	Population Urban.	Population Rural	Rev. and Rts.	Hindu.	Moham-madans.	Literate.	Illiterate.
B. & O. Total	Sq.miles.			Lacs.				
1923-24 ... 34,002,180	83,101	1,374,765	32,627,424	236	8.284% 28,166,459	10.85% 3,000,182	103,706 Female 1,482,551 Male	15,281,315
Bihar ... 23,380,288	42,360	961,053	22,419,235	177	—	—	—	—
Orissa ... 4,068,873	13,736	174,440	4,701,424	34	—	—	—	—
Ch. Nagpur 5,653,028	27,065	230,263	5,416,765	25	—	—	—	—

Occupation 1921 :—Agriculture 81.4 per cent. Industry 6.6 }  
Trade 3.8 } All mostly rural.  
Transport .8 }

Administration 3 per cent., Profession and Arts 7 per cent., Public Forces 3 per cent., Domestic Service 15 per cent., Living on Incomes 2 per cent., Insufficiently described 3.5 per cent.

In literacy :—Hindu Males 1/16, Hindu Females 1/400; Muslim Males 1/18 per cent., Muslim Females 1/180 (as per Government Education Department Records).

In Education 1924 :—Per 1,000 of Population, 2 Secondary and 21 Primary School Scholars.

## NUMBER OF ELECTORS IN 1928.

## PROVINCIAL COUNCIL.

	Council of State.	Assembly.	URBAN.				
			Patna.	Tirhut.	Bhagalpore.	Orissa.	Ch. Nagpur.
Muslim ... ..	1,070	7,983	5,020	2,802	3,636	X	X
Hindus ... ..	422	69,300	17,201	11,835	10,632	5,549	4,850
Land-holders ...	X	129	131	84	65	73	36
			RURAL.				
			Patna.	Tirhut.	Bhagalpur.	Orissa.	Ch. Nagpur.
Muslim ... ..	—	—	5,817	5,670	10,961	1,381	5,423
Hindus ... ..	—	—	98,035	36,204	43,825	47,695	65,667

European 1,950, University 795, Planters 50, Mining Indians 19, and Europeans 117.

Total Votes Polled (vide Secretary of State's Report Figures 1925-26).

	Council of State.	Assembly.	Local Council.	
			Urban.	Rural.
Muslim ... ..	83%	59.4%	61.2%	64.5%
Non-Mohammadan ... ..	79%	52.3%	49.4%	62.5%

## CASE OF BIHAR AND ORISSA MUSLIM ASSOCIATION.

*[Continued.]*

The Indian Councils Act of 1909 fixed maximum number of seats as:

India Council 60, B. & O. Council 50, out of which in the Indian Legislative Council on 4.11.1912 there were officials 27, non-officials 33, of whom 27 were elected, B. & O. electing 1, Council Landlord holders 1. In Provincial Council on 21.9.1912 there were 49 non-elected (of whom not more than 15 officials) and 24 elected, of whom Muslims 4 and mixed constituency of Municipalities, 5, District Board 5, landlord holders 5, Mining 1, and Planting 1.

The Franchise Committee in 1919 proposed 20 out of 60 elected seats in the Assembly for Muslim and the Fifth Despatch is dated 7.8. And in the Local Councils the Committee proposed allotment of 20 seats in B. & O., 17 in Bengal and 55 in the Punjab, 24 in U.P., 28 in Bombay, 12 in Madras and 9 in C.P. The actual constitution of the B. & O. Council is now 103 total, of whom 27 are non-elected and 76 elected. Of the nominated not more than 18 are to be officials including 2 Executive Members and for special classes of interests shall be nominated: Ali-origines 2, Depressed classes 2, Industries 1, Bengali settlers 1, Anglo-Indian 1, Indian Christians 1, and Labour 1, of the Elected Muslims 18 (Rural 15, Urban 3), Non-Muslims 48 (Rural 42 and Urban 6), Land 1, Officers 5, Professors 1, European Mining 1, Indian Mining 1, Universities 1, and European residents 1.

In the present Assembly B. & O. has 12 seats, of whom Muslims get 3, Non-Muslims 8, and Landholder 1. In the present Council of State B. & O. Muslims get 1 seat and Non-Muslims 2 seats, plus 1 extra seat alternate electors. The above figures show that B. & O. Muslims are getting (as they must continue to get) 25 per cent. elected B. & O. seats in the Council of State and the Assembly; but 1 seat less than 25 per cent. in the Provincial Council. That the populations of Orissa and Chota Nagpur are only about one-fifth and land revenue one-eighth each of Bihar proper, though the area is about one-third and half of Bihar respectively. That the urban population is only one-twenty-third that of rural; but the Indian based electors given to urban areas is about one-fifth that of rural, which is about four and a half times in excess; and the number of Urban seats one-fifth and one-seventh of rural for Muslims and non-Muslims. That literate males are 11 times as many as illiterates, and literate females 150 times as many as illiterates. But that proportionally Muslim male literates are about equal to Hindus, but Muslim females over double of Hindus. That Muslims have shown a far greater keenness in elections and polled about 20 per cent. more votes in Urban and 3 per cent. more in Rural areas in elections to the last Provincial Council, and about 13 per cent. and 6 per cent. more in the Assembly and Council of State respectively. And that an overwhelming 82 per cent. of the population depends directly on agriculture (and a very large per cent. of those in industry and trade are also really dependent on agriculture) and are rural in their habits and pursuits.

The Bihar and Orissa Muslims therefore demand: That they should be constitutionally guaranteed 25 per cent. of the elected B. & O. seats in the Council of State and of the total B. and O. seats in the Assembly, in both of which 30 per cent. seats should be reserved for Mohammedans as argued out by Sir W. Vincent in the Fifth Despatch on the Joint Report. Of the total seats in the Provincial Council and in the Local Second Chamber, if one is established, they demand fully 25 per cent. The grounds for this claim we have already fully established, e.g., inadequacy of mathematical minority and impossibility almost of getting election through any mixed constituency. We may further state that the democratic traditions of Islam, the growing literacy of Muslim males and still more so of Muslim females, and the keenness Muslims have already shown in their communal electorates, where they exist as much as their practical disfranchisement in

joint ones, all justify the above claim of B. and O. Mussalmans.

They should also get the same proportions in all the Committees, Sub-committees and Advisory and other Boards established in these legislatures and their deputations and representatives chosen from them for Indian and Foreign League Conferences, etc.

They should get statutory protection in the matter of fundamental legislation affecting their community as indicated in the Lucknow pact and safeguards for their Ministers as suggested in this note.

*Council of State:* They would like to see the franchise for the Council of State broadened and that Chamber to be reconstituted on a proper revising Chamber basis, instead of being used, as it now is, as a normal agency for pushing through and even initiating whatever the Government considers essential legislation. The power of initiating any legislation should be withdrawn, as also power over any money bills accepted or passed by the First Chamber. They would, however, allow, say, 25 per cent. of the seats in this Second Chamber to be reserved for official and nominated members in order to advise the Senate and even actively guide in the revisory proceedings. Apart from this the only checks on hasty or refractory legislation or action on the part of the First Chamber should be possessed as indicated by the Viceroy.

They would therefore also insist that high property qualification alone be not insisted on, but that a considerable proportion of the electors be on an educational and age basis—say graduates and renowned Pandits and Ulemas.

The election should be direct, as at present, and the franchise qualifications and number of seats be roughly the same as for the present Assembly.

*Assembly:* The desire that the qualifications for voting and standing for the Assembly should immediately be made the same as for the local Councils now; but that graduates and Pandits and Maulavis be also added to the rolls. The number of seats should be increased to a little more than the present total of elected seats in all the local Councils; and the Assembly to be made purely an elective body.

That its powers over money bills and budgets be final, subject only to the Viceroy's Veto; but that a measure passed in two successive Assemblies shall become an Act. In other matters its proceedings should be subject only to confirmation by the Second Chamber and the Veto or signature of the Viceroy, except in case of legislation affecting minority communities.

That 30 per cent. of seats be allotted to Muslims and one-eighth of the total seats be allotted to B. and O. sub-division, securing 25 per cent. of these seats to Bihar and Orissa Muslims.

That the number of seats allotted to landlords be drastically reduced in the Assembly in view of the facts that they possess special representation in the Second Chamber. Landlords and European Interests may continue to hold the same number of seats in the enlarged Assembly as they hold now, but those held by Indian Commerce and Sikhs should be proportionately increased with increase of personnel. Further, that one seat each be allotted to Indian representatives from each of the cities of Delhi, Cawnpore, Calcutta, Bombay, Rangoon, Madras and Karachi. Non-Brahmins, Depressed Classes, Anglo-Indians, Labour Industries, Mining and Universities should also get some fair representation by separate or joint electorates, according as they desire.

*Local Council.*—(a) In the Local Council the franchise should be on a universal adult basis, as this alone will level up the representation of Urban and Rural areas and give some measure of ultimate fair play to the 82 per cent. agriculturists.

(b) If, however, this franchise be considered too broad for India at present, we would still suggest adult suffrage in all towns; because in no country, not

even in England, has literacy been absolutely universal before universal adult suffrage was introduced; and the training already given in corporate existence in Urban areas should be a sufficient guarantee of elective efficiency. In rural areas, however, for the next ten years only the franchise qualifications may continue the same as at present for District and Local Board elections, with such modifications as are found inevitable on enquiry or are needed to effectively enfranchise the agriculturists, the cottage industrialists, the rural traders and the labourers.

Bihar and Orissa Muslims would not object to introduction of bicameralism in Provincial Government, provided it be on: (1) Similar conditions regarding powers, etc., as laid down for the Central Upper Chamber, (2) that landed seats are in that case reduced in the First Chambers and educational qualification amply recognised, and (3) 33 per cent. of seats are reserved for Muslims merely to serve as a further revisory and checking influence on hasty or provocative communal legislation against minority communities.

We demand that election to both Local Chambers be direct in all cases, that residential qualifications be only insisted upon for the whole Province and not for each constituency, and that the Council and Second Chamber, the Committees, Boards, deputations and representations from them be on a purely elective basis within 25 per cent. reservation for Muslims and adequate representation for depressed classes only.

The number of seats in the Local Second Chamber should be one-quarter of that of the First Chamber, and that in the Council proper (the First Chamber) on a basis of 1 lac of the total population to each seat in the general constituencies, and in special and communal constituencies on a ratio tallying with the proportion between the number of seats allotted and the number of electors in that constituency.

*The Services.*—In no country in the world are the services as important an agency of public good as they are in India. Nowhere are the public servants, under the Government, as well as local bodies, so almost exclusively looked up to for guidance, for control and for active help as in India. Now to modern political organisation, India still affords unique opportunities to the public servants of contributing to the growth, the prosperity, the peace and the happiness of the masses as much of the classes. No other agency is here in such intimate living contact with the masses and has such an overwhelming share in the shaping and control of their destiny. For good or for evil, the services have, ever since the uprooting of indigenous self-governing institutions 2 or 3 centuries ago, directed and controlled the nation's destiny and executed its policies almost exclusively. And for another quarter of a century at least will this continue to be so, while India laboriously and with many a lapse and travail accustoms herself to those new and modern machineries of Swaraj which are being fast evolved or imported.

The struggle and the bitterness about representation of the different communities in the services has thus a very much deeper meaning and a nobler significance than merely that of "loaves and fishes." Whatever the ostensible "constitution" or policy established, a very great deal does, and for decades to come must, depend on how and who directs and operates it in actual working. The administration may constitute only 3 per cent. and 1.48 per cent. of the populations of Bihar and of India respectively, but it is because they are virtual Directors of the Nation's destiny that Britons and Indians, Hindus and Muslims, are competing so eagerly for their due or undue shares in it. Whatever side or false issues and war cries or false alarms may be raised in the battle thus joined, the plain issue remains the same; "and the Reforms have, by bringing India face to face with problems of self-government, precipitated the struggle for powers and emoluments of office and,

in fact, for control of the entire machinery of Government," as says "India in 1926-27." As there is more and more of withdrawal by a dislodgable Bureaucracy, as more and more people new to power and responsible politics come into formal sway, the more will the experience and training, the technical skill and administrative efficiency, of officers be effectively used and be valued. As we approximate more to self-government, the more will the influence of these guides, philosophers and friends of the public bodies and leaders increase in the first instance; and the more will there be action and reaction of opinion and actions public and official.

It is by way of recognition of these factors in present and recent politics that the Lee Commission has emphasised the need for Indianisation of the Services and as a present ideal, fixed the percentage of Indians in the Superior Services at 50 per cent. in the I.C.S., 50 per cent. in Police, 75 per cent. in Forest, 60 per cent. in Irrigation, 50 per cent. in Customs, 75 per cent. in Telegraph and 75 per cent. in Railways. In actual working out, however, and because of refusal to fix a higher ratio of immediate recruitments, these percentages are nowhere like established. Government of India had to admit in 1924 that the percentage of Indians in the Superior Services under it was 20 per cent. for Hindus and 2.9 per cent. for Muslims. The Commission, however, grievously failed to carry this policy of fixation of ratios to its logical conclusion; and omitted to fix similar definite ratio also between the Hindus and Muslims and any other minority communities sufficiently important in any province. That this fixation is even more important called for and salutary is proved undeniably by unfortunate incidents and positions in the different services.

If such is the position while a centralised Bureaucracy still reigns supreme, how much more will it be so under Indianised and self-governing conditions, when the present checks are removed and "the powerful central idea of Government by majority" comes into full operation. Unless a fixed, frank and uncompromising ratio is mutually settled between at least the two communities who aspire to Indian self-Government, and accepted and legalised by Government orders and enactments, not only will constant bickerings soil our records of self-Government but the greatest of all human tyrannies will reign supreme in India; the tyranny of a people over a people under unmitigated and disorganised democracy. Policies, however generous and humane or progressive will be executed exclusively for the benefit and to perpetuate the monopolies of the majority communities by the preponderantly Hindu officers, and their actions will be confirmed by Hindu Ministers, Councils, Chairmen of Local Bodies. Any remedial measures will be immediately whittled down and rendered nugatory, and India will become a sorry spectacle of a Hindu oligarchy.

The Muslims of Bihar and Orissa demand that they should get 33 per cent. of all posts under Government, University and all local bodies (except in Orissa and Chota Nagpur where their due proportion is to be doubled as already stated).

The present position in Bihar and Orissa is far from satisfactory, either in gazetted or non-gazetted and lower services. On the 1st January, 1928, there was not a single Muslim officer on the Bench of the High Court or the Superior Services in Medical Departments. The total percentage of Muslim in all the five superior services was 3 per cent. against Hindus, 22 per cent. and Europeans and Anglo-Indians 75 per cent. In the gazetted services of all the 18 or 19 departments of the Province, Muslims were 16 per cent. to Hindus 64 per cent., and Europeans 20 per cent.; Muslims having poorest representation in the Imperial (6 to 54 Hindus), subordinate examinations (37 to 113), education (26 to 152), medical (14 to 104) and public health (4 to 30) as against the Hindus. In the Upper and Lower Division of Secretariat Muslims are outnumbered 6 to 1 by non-Muslims (of whole and overwhelming

these are after all only exceptions that prove the rule that Local Self-Government in India is slowly but surely coming into its own.

*Growth of Education.*—In the political evolution and progress of a country educational extension must always play an important part. Without sound education the electorate will not be able to intelligently exercise its powers. In order to create an intelligent electorate, conscious of its powers and responsibilities, it is necessary that the distribution of facilities for education must be adequate to all communities.

So far as education of Mussalmans in this province is concerned, they are fairly advanced in collegiate and higher education. But in the middle stage the proportion of Mussalmans is very low, the number of Moslem pupils in middle stage being 2,242 or 7·3 per cent. of total number of pupils in middle stage. This is mainly due to the absence of facilities for instruction in Urdu in most middle schools. Out of 591 middle schools there are only 178 which provide Urdu teaching. This state of things must be remedied and adequate facilities must be provided for Urdu teaching in middle schools.

There is great demand among the Moslem population for primary education as evidenced by the increase in the number of recognised Maktabas to 3,477. The Maktab is a primary school in which instruction is given in Urdu and in the religious principles of Islam. These primary institutions are very essential for the development of religious instincts and the growth of Moslem culture. But the number of these institutions form a very sad contrast to the total number of 27,428 primary schools in the province. The grant to Maktabas was only Rs. 3,19,579 as compared with the grant of Rs. 50,61,320 to primary schools as a whole in 1926-27.

A reference may be made here as to the needs of various areas in the matter of primary education. In Purnea, where the Moslem population is above 40 per cent., out of 12 Middle Schools there is not one which may offer facilities for Urdu teaching and out of 133 Primary Schools there are only six Urdu Primary Schools and out of 1,317 Lower Primary Schools there are only 327 Urdu Lower Primary Schools. In the Santal Parganas, where the Moslem population is about 25 per cent., out of seven Middle Schools there is not one providing Urdu teaching and out of 68 Upper Primary Schools there is not a single Urdu Primary School and out of 1,229 Lower Primary Schools there are only 105 Urdu Maktabas. The total expenses on education in this district is Rs. 1,41,999 while only Rs. 5,228 is spent on Moslem education. In Champaran, where the Moslem population is about 20 per cent., out of 18 Middle Schools there is only one Urdu Middle School and out of 1,187 Lower Primary Schools there are only 194 Urdu Maktabas. In Bhagalpur, where the Moslem population is 10 per cent., out of six Middle Schools there is not one Urdu Middle School and out of 175 Upper Primary Schools there are only six Urdu Upper Primary Schools and out of 1,390 Lower Primary Schools there are only 123 Urdu Maktabas. Owing to inadequate facilities in this area 20 Moslem girls have to join Sanskrit Schools in the Municipality and 121 Girls Hindi Schools in the villages and 18 Moslem boys Hindi Middle Schools and 672 Moslem boys have to join Upper Primary Hindi Schools. In Hazaribagh, where the Moslem is over 10 per cent., out of nine Middle Schools there is only one Urdu Middle School and out of 55 Upper Primary Schools there is only one Urdu Upper Primary School and out of 765 Lower Primary Schools there are only 64 Urdu Primary Schools. In Ranchi, where the Moslem population is 10 per cent., out of 13 Vernacular Middle Schools there is only one Urdu Middle School and out of 101 Upper Primary Schools there are only two Urdu Primary Schools. In this area 3,489 Moslem pupils are receiving education in Lower Maktabas and there is no provision for them at all

for further education. In Palamau, where the Moslem population is only 10 per cent., out of five Vernacular Middle Schools there is not a single Urdu Middle School and out of 39 Upper Primary Schools there is only one Urdu Upper Primary School, which is inadequate for 2,791 Moslem boys receiving education in Urdu Maktabas. In Patna, where the Moslem population is only 10 per cent., out of 17 Vernacular Middle Schools there is only one Urdu Middle School. It is difficult to imagine how one Urdu Middle School can provide education for 9,330 Moslem boys who are being educated in Urdu Maktabas. In Saran, where the Moslem population is over 10 per cent., out of 24 Vernacular Middle Schools there are only five Urdu Middle Schools and out of 104 Upper Primary Schools there are only five Urdu Upper Primary Schools and out of 1,342 Lower Primary Schools there are only 83 Urdu Maktabas. This state of affairs calls for serious consideration and how could there be Swaraj or responsible Government when elementary privileges of education are withheld from an important section of the population. Provision should be made for adequate facilities in the matter of Moslem education and an equitable system of grants and grants-in-aid for purposes of Moslem education be devised.

*Language.*—Nations and races are always proud and zealous of their languages and of the culture, traditions and genius which it enshrines. Even in Britain we find Miss L. George triumphing with her public speeches in Celtic and the Irish New State Dail Eiricum, laying stress on the employees to patronise the Irish tongue. In Europe we find Allies Policy crystallised in such clauses of the constitutions given by the League of Nations as "No restriction shall be imposed on the free use by any Polish national, of any language in private intercourse, in commerce, in religion, in the Press or in Publication of any kind or at any public meeting . . . in the Primary Schools the instruction shall be given to the children of such Polish nationals through the medium of their own language . . . every citizen possesses the right of safeguarding his nationality and of cultivating his national language and customs. . . . Similar clauses appear in the constitutions of all other New European States under the League. We have already given brief sketch of the constitution in Canada where the tenacity of the French specially since 1857 was at last rewarded in 1867 by full Statutory recognition of their language in schools, Legislatures and public offices. We have also proved similar recognition in modern and ancient European States of fundamental laws safeguarding the use of the language of even 5 per cent. populations in Courts, public laws and regulations, documents and official correspondence and in all Court proceedings, orders and petitions. For instance we read in 1919 "Adequate facilities shall be given to Austrian nationals of non-German speech for the use of their language, either orally or in writing before the courts," and in 1922 in the Protection of Minorities clauses of the League at Geneva, "adequate facilities shall be given to Polish nationals of non-Polish speech for the use of their language before the courts."

After this no true Nationalist can be honestly proud of the majority tyranny which is frantically trying to decree that Urdu which is even more our national Lingua Franca than Persian or Hindi or Sanskrit (and which had its origin in India's soil and its development through a succession of brilliant Hindu poets and prose writers as well as Muslim servants and religious and historical authors) should not be even permissively and optionally allowed to be used in the courts of Bihar proper where Hindu gentry talk as fine and flowing Urdu as Muslims and find it as great a difficulty to affect the modern Sanskritised Arya Hindi as an Englishman would do to talk or read or write Anglo-Saxon. All this simply because Urdu language happens not only to be the daily used mother tongue of Bihari Hindu and Muslim but also happens in the case of Muslims

## MEMORANDUM BY SIR GANESH DUTTA SINGH, M.L.C.

all over India to enshrine their common culture and thus unites the Muslims of Madras with those of Peshawar. The history of this problem is tragic. India had for seven centuries till 1837 Persian for its court and official language and Urd (whether in Dev-Nagri or Persian character) as its everyday Lingua Franca. In a vain attempt to establish English as the Lingua Franca and as a first step to displacement of the remnants of the previous Indian culture Persian was abolished in 1837 as the court language, and Urdu substituted in Persian character in its place in all courts of North-Western India and Bihar and Bengali and Oriya for Bengal and Orissa. Then in 1881 Hindi in Dev-Nagri or Kaythi character was substituted in Bihar courts and official proceedings. This roused a storm of protest and the famous Babu Guru Prasad Sen of Patna died fighting for the restoration of Urdu and leading deputations of Hindus and Muslims to Government for it. Hindus and Muslims, however, continued to use Urdu in daily and social life in spite of the official taboo so much so that the Acting Governor of Bihar and Orissa in Council in 1921 observed that "though this order (substituting Hindi) has now been enforced for over 40 years it is still extremely doubtful whether they have had any appreciable effect in simplifying and making intelligible the language of the Bihar and Orissa Courts, and it may be safely taken that the language now used is to all intents and purposes the same as was current before the promulgation of the orders of 1881." The protest against displacement of Urdu continued unabated and in 1925 the Council motion on its behalf was supported by 19 members of whom nine were Hindus, six other Hindus remaining neutral. In January, 1928, a resolution in favour of optional use of Urdu in all courts of Bihar proper was passed. But unfortunately in the storm of present communal tension this moderate and permissive resolution is being blindly opposed by the Hindu majority. Hindus who themselves in private write and converse in Urdu although in court and official precincts they are forced to painfully transcribe the same into Hindi character, the language, as the Governor said in 1921, remaining beautiful Urdu. This although in the years 1918-22, 50 per cent. of the University candidates (of whom very large majority are Hindus) have taken Urdu (in Persian character) as their optional language; and in one month alone out of the documents put up for registration in the 90 per cent. Hindu Bihar 25,000 were in Urdu, 14,000 in Hindi and 140 in English; and 60 per cent. of the Dakhil Kharij papers in courts and Title Suits are in Urdu; and all the previous judicial records and survey and settlement records and papers are in Urdu and are under constant reference by Urdu-knowing officers, clerks and lawyers. Under such circumstances it is pitiable to find Hindus bringing out bogies of administrative confusion and Government (while protesting neutrality) disappointing Muslims by snatching this chance of again

pressing for establishing English as the "only court language and Lingua Franca" in a Province where out of 340 lacs no more than one lac is even elementarily literate in English.

We will not further labour out a controversy which is too transparently a matter of political negotiation rather than deliberate reason; but which has assumed a wholly undue importance owing to the present "accidents of place and personnel" and the cross currents of communal and official tendencies.

Elsewhere we have dealt with the subtle attempt made in local bodies and educational authorities to drive our Urdu from the schools, establish no Urdu Primary Schools and Makhtabs so far as possible, compel Muslim boys and even girls to learn only Hindi by not providing Urdu teachers in spite of strict departmental circulars; and even refuse library books, furniture and buildings, grants and grants-in-aid to Urdu Primary and Middle and Orthodox Schools.

Comment is superfluous and would only give another opening for constitution makers to "despair of a constitution where the communities insist even on talking in artificially 'separate' languages." The importance of this aspect of the question cannot be too highly emphasised in a country where the two main communities had only this one linguistic element of nationhood in common and differ so vastly in all other nation factors, e.g., racial extraction, religious profession, political and cultural traditions, and in their whole historical past beyond the last six centuries or so.

Bihar and Orissa Muslims, therefore, demand that like the 5 per cent. Italian minority of Switzerland and the French Canadians they should be constitutionally and by Act of Parliament guaranteed:—

- (1) In the use of the Urdu in all Courts and official proceedings and the promulgation of all orders and announcements of the Government and all Local Bodies in Urdu also.
- (2) In the free use of Urdu in the proceedings of the Councils and all Local Bodies.
- (3) In the use of Urdu as the medium of instruction in all classes of Primary and Middle Schools where Muslims are in the majority and the appointment of a proportionate number of Urdu teachers where they are not.
- (4) In a due share in all educational philanthropic expenditure from all public and local boards funds for Urdu schools and teachers.
- (5) In state patronage of Urdu language, literature and learning and in the University and other higher educational bodies.
- (6) In fullest liberty to use Urdu in all their complaints and written statements as well as all petitions to departments, offices and officers under the Government and local bodies.

## A Memorandum on the Indian Constitution by SIR GANESH DUTTA SINGH, M.L.C., Bihar and Orissa.

### I.—GOAL OF THE INDIAN CONSTITUTION.

*The Goal of the Indian Constitution is a federation with full Dominion Status to be reached through an intermediate state, outlined below:—*

It is more to the advantage of the country to remain linked with the British Empire than to sever the connection. If the country is left alone, she may develop into a state of chaos and may not be able to retain her independence. The position of British dominions beyond the seas such as Canada and Australia is much safer and more secure than that of

several countries which, though independent, are suffering from internal troubles.

The country has not sufficiently developed to maintain her own navy, army and other means of self-protection without British assistance. Moreover, as a member of the British Commonwealth, she will have the advantage of assistance and support from the British Army, Navy and Air Force at much less cost than would be involved in the maintenance of independent military and naval forces. Canada, Australia and Zealand cannot maintain their Dominion Status inde

will in fact give advantages to this country which are out of all proportion to the sentimental objections which may be raised against it.

The Montagu-Chelmsford Reform Scheme contemplates gradual constitutional development in this country; and in order to achieve it a new form of Government called Dyarchy was introduced for a period of 10 years. In the course of this gradual development there ought to be an intermediate stage between Dyarchy and Dominion Status. The scheme outlined below will fit in as a suitable training ground for the people in the management of their affairs on the road to complete Dominion Status as the final goal in the constitutional development of this country.

## II.—SCHEME FOR A FEDERAL CONSTITUTION WITH LIMITED DOMINION STATUS.

### I. The Secretary of State and Government of India—

(1) The Secretary of State (under the Crown) will retain control only over Central subjects 1-5 (*vide* Schedule I, *Devolution Rules*). (Note 1.)

(2) The Government of India will have complete autonomy in all the other Central subjects.

### II. The Government of India—

(3) There will be a Governor-General who will appoint his own Cabinet. He will also appoint all Judges of the Indian High Courts. (Note 2.)

(4) The Governor-General's relation to his Cabinet will be on the same lines as at present. (Note 3.)

(5) The Governor-General and Cabinet will have complete control over Central finances and Central services (except those connected with subjects 1-5), subject only to the provision of safeguards for the rights and privileges of existing officers of All-India Services, and to the powers of the Indian legislature. There will be no fresh recruitment of the Imperial Services by the Secretary of State (except for Central subjects 1-5).

*Notes*—1. Items Nos. 1-5 of the Central Subjects deal with the relations between the Government of India and foreign powers and with the defence of the country; and it is therefore desirable that the powers of the Government of India shall continue to be subject to the control of the Secretary of State and of the British Parliament as at present.

2. As the Government of India will have, with the above exception, complete autonomy, the Governor-General will have power to appoint the members of his Cabinet and Judges for the Provincial High Courts. It is true that at present these officers are appointed on his recommendation; but such limited powers will not fit in with the autonomous character of the Government of India.

3. Without the power of the purse and control over the public services autonomy means nothing. At present the power of the Government of India in these matters is greatly restricted and they have to consult the Secretary of State at almost every step. But a Central Government of India autonomous, with the one exception specified above, is essential to the creation of real provincial autonomy.

## III.—THE INDIAN LEGISLATURE WILL CONSIST OF TWO CHAMBERS.

### (1) The Council of State will consist of—

(a) Members for life by right. (Note 1.)

(b) Members elected for a term of ten years, and (Note 2.)

(c) The Commander-in-Chief and the Governor-General's Cabinet, members by right for their term of office.

There will be a President of the Council of State appointed by the Governor-General sitting with his Cabinet. (Note 3.)

### (2) The Legislative Assembly will consist of—

(a) Members elected for a term of five years by the provinces. (Note 5.)

(b) A few experts as temporary members, nominated by the Governor-General and Cabinet, for the discussion of particular subjects. (Note 6.)

(c) The Commander-in-Chief and the members of the Governor-General's Cabinet. (Note 7.)

There will be no nominated members, official or non-official. (Note 4.)

There will be a President of the Assembly, elected by it for a term of years.

(3) The Indian legislature will have power to legislate on certain specified subjects, viz., Central subjects, subject to the control of the Crown and Secretary of State regarding subjects 1-5 only. (Note 8.)

(4) The budget will be laid before both Chambers as at present; and the procedure for legislation and the powers of the Governor-General in relation to the budget and to legislation will be on the same lines as at present, except that the control of the Secretary of State and the Crown will have been removed. (Note 9.)

*Notes*.—1. The utility of official representation and nomination has passed away. Henceforward there should be representation either by right or by election. The constitution of chambers such as the British House of Lords and Senates in most other countries does not permit of nomination. There are no elected members of the British House of Lords, and in Italy the members of the Senate are appointed for life, while in most other countries they are elected for a term. It is desirable to combine both these systems in India. Election will provide an opening for deserving candidates who cannot gain admission otherwise to this august assembly.

2. The composition of the Council of State is described in more detail in section IX, and the method of election of the elected members in section X(D). These sections and the notes on them will indicate more clearly the nature of this body. The life of the elected members of the upper chamber is twice that of those of the lower chamber. In all countries there is a similar provision.

3. At present the President is appointed by the Governor-General. But it seems advisable that he should take the advice of his cabinet. The Assembly and Legislative Councils already elect their own Presidents, and have not abused their powers.

4. It is desirable to give more responsibility than is at present given to the representatives of the people in the Assembly. The official and the nominated blocks create a spirit of hostility to Government, while they stunt the growth of a spirit of responsibility and of a healthy party system in the elected members.

5. The way in which these members will be elected is described in section X(C); and details of the composition of the Assembly in section VIII. These sections and my notes thereon may be referred to. It will consist of 250 members, including 240 elected members, on the basis of roughly one member to a population of 10,00,000. This province will return 35 elected members.

6. Occasions on which experts will be required are, e.g., during the discussion of a bill regarding some special subject.

7. I have no objection if they are members of both chambers; but dual membership would be rather anomalous. The Commander-in-Chief and the members of the cabinet will be members of any one of the Chambers with right of entrance to the other.

8. I have deliberately confined legislation by the Central legislature to specified subjects, so that Provincial legislatures may have freedom for all other subjects, and not *vice versa*. Otherwise the Central Government is likely to be always claiming the right to interfere with the rights of the provincial legislatures. I wish to leave the latter as wide powers as possible. I have not attempted a new definition of the present





The Senate may refuse assent to any such law. (Note 6.)

(8) All laws other than the above will be laid first before the Council and then before the Senate.

The Senate may refuse assent to any such law or may modify it and send it back to be modified for reconsideration by the Council.

(9) The Governor may call a joint meeting of both chambers in the circumstances provided for in section 67 (3), Government of India Act.

(10) All laws before they become valid must receive the assent of the Governor. (Note 7.)

(11) The provincial legislature will have power to legislate on all subjects, except those expressly reserved for legislation by the Government of India. (Note 8.)

Notes.—1. The provincial legislatures should consist of two chambers as in most other countries. The Lower Chamber will be more representative in character and the number of members will be larger. The Upper Chamber should as in other countries, consist of men of position holding sober views. The main function of the Upper Chamber should be to exercise a sobering influence on the administration. An irresponsible or hasty step on the part of the Lower Chamber may create trouble if there is no check provided by the Upper Chamber, and this check is more necessary in India than in most other countries, owing to the existence of an electorate not yet trained to political ideas. A two-chamber system which has been justified in France, the United States of America, and England will be essential to successful parliamentary Government in this province.

2. The disadvantages of the official block have already been mentioned. It prevents the growth of a party system. It encourages irresponsible criticism of Government. It is undemocratic and nominated members do not really help the communities whom they represent. The official view will be represented by the Ministers. There is no official block either in the British Parliament or in other countries. Its sole purpose was to safeguard the interests of Government under the Dyarchy.

3. This and the succeeding provision are required as a check on hasty action by the Council until the Council has acquired a parliamentary tradition. Dyarchy has provided no training in this respect. In fact it has inevitably led to irresponsibility on the part of the opposition, and has often converted all non-official members into an opposition. The retention of the Governor's power of restoration of budget demands would render cabinet Government impossible. So the check must be provided by the Senate. It may be found advisable to require a two-thirds majority of the senators. Such a provision is enforced in some countries.

4. This existing provision must be retained in the interests of the executive. It will only occasionally be used.

5. The power of initiating taxation bills should be in the Lower Chamber because that Chamber will be more representative than the Upper Chamber; and that is the case in other countries.

6. The English constitutional checks in the matter of finance bills would not work in the absence of a strong parliamentary tradition. I have not given the Senate power to modify a bill imposing new taxation, though it will have that power regarding other legislation, because modification of a bill imposing a tax would ordinarily stultify the bill.

7. It is necessary to retain the Governor's power to refuse assent. The Governor's position cannot be rigidly defined. He must have wide powers. But if any scheme involving a Governor is to succeed in a democratic constitution the Governor must act according to the spirit of the constitution. His position should be less, not more difficult than it is under the dyarchy.

8. See my note 8 on section III (3). At present the powers of the provincial legislature are confined

to scheduled subjects. My proposal is to reverse the position and to confine the powers of the central legislature to scheduled subjects. This is, I believe, the position in America; and it is necessary, if provincial autonomy is to be real. At present central control involves endless unnecessary delays, and also cripples provincial administration and finance.

#### VI.—COMPOSITION OF THE COUNCIL OF BIHAR AND ORISSA.

The Council will be composed of 144 elected members (for details see Appendix B) representing Non-Muhammadian and Muhammadan constituencies and various special constituencies (see list in Appendix A), and one expert nominated *ad hoc*.

The essence of the Council will be that it will be entirely elected. The system of indirect election of M. L. C.'s by an electoral college of "headmen" for rural and of "urban electors" for urban areas should also result gradually in the election of real representatives of the people, and in the steady political education of the people. Without the safeguard of indirect elections the dangers of a parliamentary system would be multiplied. (Vide my notes on section X below.)

The reasons for increasing the number of seats are these:—

(1) Some of the interests are quite inadequately represented, such as landlords, depressed classes and so on.

(2) There is difficulty in forming suitable constituencies without increasing the number of members.

(3) The increase of the Muhammadan seats becomes necessary on account of increase of seats representing other interests.

All the general constituencies will be single-seated, and so far as possible, the special constituencies also.

#### VII.—COMPOSITION OF THE SENATE.

(1) The Senate will be composed of:—

(a) 25 elected members.

(b) Life members by right.

(2) Qualifications of life members.

The Upper Chamber will consist of 25 elected members, and as many life members as are eligible under the following rules. The life members should comprise all Rajas, Raja Bahadurs, Nawabs, and Nawab Bahadurs, ex-High Court Judges, ex-Ministers, and ex-Members of the provincial Government, ex-Vice-Chancellors of the University and ex-Presidents of both Chambers, all persons holding the title of Knighthood and C.I.E., and other English titleholders equal to the rank of Raja and men paying revenue or income-tax of, say, Rs. 20,000 or more. In fixing the qualification of members of the upper chamber, care should be taken that the strength of the Senate does not exceed a certain limit, say 60. In Bihar and Orissa there will be 25 elected members—five from each division—elected by the members (of the two Chambers, i.e.,)

5 Muhammadans;

2 Europeans; and

18 Non-Muhammadans.

A Senate composed as above will be a sober body but sufficiently representative not to check progress unduly.

#### VIII.—COMPOSITION OF THE ASSEMBLY.

(1) The Assembly will be composed of 240 elected members, three experts nominated *ad hoc* and the Governor-General's Cabinet and Commander-in-Chief as explained in III (2).

(2) This province will elect 35 members representing the constituencies listed in Appendix C.

The present system of mixed constituencies leaves certain interests unrepresented. Representation is also not proportionate to the population of the



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(Continued.)

where communications are often bad, large constituencies are particularly objectionable.

(1) Their large size makes the attendance at the polling stations impracticable for the poor voters, unless encouraged by transport facilities. This also necessitates corrupt or undesirable practices, and often the expenditure of large sums of money by candidates. This again restricts the field of candidates.

(5) Again, the majority of the villagers never use the poll. This again renders the educative value of elections almost nil to the mass of the villagers.

(6) Under the present system of a comparatively high tax payment qualification the franchise is unduly restricted. The poorer tenants are just as fit for the vote as the richer. Their educational facilities are practically the same.

(7) The large size of a constituency requires either a well organised party or a big purse, both of which are beyond the reach of an ordinary candidate.

(8) With a direct elective system political propaganda, to be effective, must make an appeal to the pockets of the worst persons of the electorate. The voters can seldom know the merits of the different candidates. They have not the incentive to vote for a man whom they can trust.

(9) There is no uniformity in the number of voters in rural constituencies. One constituency, without rhyme or reason, has six times more voters than another (vide the Election Report of 1926).

(10) The people themselves have no hand in selecting their representatives. Those who pay a certain amount of taxes are automatically elected.

(11) Universal male suffrage has no chance of being realised under the present system.

(12) The rental basis is also not uniform.

(13) The huge number of voters may prevent a particular kind of corruption; but it gives an opening to other undesirable influences which most of the voters have no power to resist.

The above and many other anomalies already revealed by experience require an immediate change of the present system. The remedy is to be found in the introduction of an indirect method of voting both in the rural and urban general constituencies, and in others such as the Indian Christian in Ranchi district, in which the same system may be desirable. Had these facts been realised, the opinion expressed in paragraph 226 of the "Report of Indian Constitutional Reforms" would have been different. It was based on conditions in England and other European countries, which differ entirely from conditions in this country. The system of indirect voting was not even then unknown in European countries and America. Since then it has been adopted in Russia, where rural conditions bear a much greater resemblance to those in India.

In Bihar and Orissa there are 81,889 villages, including towns, out of which there are 58 municipalities. They are comprised in 65,882 chaukidari circles. My scheme is that:—

*Firstly*.—One man is to be elected in each chaukidari circle by all adult males who pay chaukidari tax. This will give 65,882 voters; and the number will be very evenly distributed. (Vide Report on the Administration of Police, 1926, page 20, Statement 2.)

*Secondly*.—All these elected "headmen" of the villages of a sub-division will form a constituency to elect one member from each sub-division.

The election must be held in a village or mahalla itself. It must be on the simplest possible lines. The village punch or municipal officer should notify the time and place of election. At the fixed time and place of election an officer deputed by Government will go there and register the names of the candidates, and will register and appoint two punches to assist him and to safeguard the correctness of the procedure. He will have permanent metallised tickets bearing serial numbers. He will distribute the tickets among the voters. The slips bearing the names of the candidates will either be pasted or pinned on bags

or boxes, coloured or otherwise distinguished. He will place these bags or boxes in a room to receive these tickets. He will explain to voters which is each candidate's box, and the voters will drop the ticket in the bags or boxes in his presence. Immediately after the voting is over, the tickets will be counted on the spot and the result announced, and the names of the successful candidates will be entered in the name register, which will be signed by the two punches. This process is to be followed in all villages, and in the case of urban elections in all the wards or mahallas. The advantages of the system will be:—

1. It will educate the people in the first lesson of democracy. Elections will be at their doors, and their representatives will be men whom they know.

2. It will practically give universal adult male suffrage.

3. Though the electorate will be increased, the dangers which attend a large and untrained electorate will be enormously decreased. For villagers will not have to choose their representative for parliament (an impossible task for the ordinary cultivator) but a man whom he can trust, who will do this for him.

4. Everyone will get an opportunity to exercise his power of voting with due secrecy.

5. There is every chance of a suitable man being elected, who will not in most cases have any desire to stand for Council. The villagers will ordinarily vote for the man they know and trust, not for the politician.

6. There will be much less incentive to corrupt practices. The tone of the elections will improve greatly.

7. The headman elected will be in a position to keep in touch with and to educate his constituency in political ideas.

8. It will create a personage in each group of villages who will have a certain status and who may be of considerable administrative utility to Government both in developing different forms of local self-government and otherwise.

9. The number of voters will be fairly uniform in each primary constituency.

10. The number will still be sufficiently large to make the bribery of voters difficult; nor is village opinion likely to tolerate it. The politician from outside will not find it easy to manipulate these village elections.

11. The local man of influence will be able to counter the efforts of a political organisation quite easily. At present he cannot.

12. It will not be expensive.

13. It will do something to popularise the chaukidari.

*Notes*.—(2). It is important that the elections of M. L. C.'s by these "headmen" and "electors" should be held with as little delay as possible after the primary elections above described. The less opportunity given to politicians and political parties to manipulate these constituencies the better.

(3). I have not elaborated details regarding the labour constituency and method of voting. The principle is clear, and details should present no great difficulties in the few industrial centres in this province. See also Appendix A.

(4). I have not defined the Depressed Classes. This should not, however, be difficult. They will have a vote in the general constituency, non-Muhammadan, and many of them in the labour constituency. The depressed classes should be able to make their influence felt in my system of indirect election for the general constituencies; and the present difficulties in the way of the election of members of these communities will be greatly decreased.

(5). The same principle as for the Council of State. There is no reason to differentiate. Direct election of members of either the central or provincial upper chambers is open to all the objections catalogued in my note on the subject of the present electoral system above. Members of Council may be elected as

members of the Senate, their seats being filled by by-elections.

(6). The only difference between the manner of electing M. L. A.'s and M. L. C.'s is that the rural "headmen" and urban "electors" are grouped in a district for the former and in a sub-division for the latter. The elections should be as nearly as possible simultaneous.

#### APPENDIX A.

##### I. List of special constituencies for the Legislative Council.

- (a) (1) landlords,  
(2) commerce and trade, and  
(3) labour;  
(b) (1) depressed classes,  
(2) native Christians,  
(3) Europeans,  
(4) domiciled Bengalis;  
(c) the University.

*Note.*—The interests of tenants, town-dwellers (municipalities), and Muhammadans will be fully represented in the urban and rural Muhammadan and Non-Muhammadan constituencies.

##### II. Qualifications of Voters, etc.

(i) The electorate of the landlords' constituencies (16 members) will consist of every one who pays Rs. 100 or more cess.

(ii) The electorate for the Trade and Commerce constituencies (10 members) will include merchants, bankers and traders paying income-tax.

It will not include members of the professions.

(iii) The electorate of the constituencies of labour (five members) will consist of employees of certain large industrial concerns registered for the purpose, e.g., Tatas in Jamshedpur and the Dhanbad Collieries.

(iv) The electorate of the constituencies of Indian Christians (five members) will probably be confined to a few districts in this province in Chota Nagpur. In Ranchi district the indirect system of election will be followed. The qualification for voting will be the payment of any tax.

(v) The electorate for the European constituencies (10 members) will consist of all Europeans residing in the area of each constituency, official and non-official, temporarily or permanently. Probably a Commissioner's division will be a suitable constituency. The distribution of seats is a detail which need not be laid down now. The interests of Planters will be fully safeguarded.

(vi) The electorate of the constituencies of domiciled Bengalis (five members) will consist of the domiciled Bengalis settled in each of the five Commissioner's Divisions. The qualification for voting will be the payment of any tax.

*Note.*—Regarding the depressed classes, see also note 4 on page 18.

#### APPENDIX B.

##### Distribution of seats in the Legislative Council.

	Non-Muhammadan.	Muhammadan.
Urban ... ..	11	5
Rural ... ..	53	18
Landlords ... ..	12	4
European ... ..	10	—
Commerce ... ..	10	—
Labour ... ..	5	—
Depressed ... ..	5	—
Native Christians	5	—
Domiciled Bengalis	5	—
University ... ..	1	—
	117	27
	—	—
Total	144	—

	Non-Muhammadan.	Muhammadan.
11. Urban—		
Patna ... ..	1	Patna Division 1
Patna Division ...	2	Tirhut Division 1
Bhagalpur ... ..	2	Bhagalpur 1
Tirhut Division ...	2	Chota Nagpur 1
		Division.
Chota Nagpur ... ..	2	Orissa Division 1
Orissa Division ...	2	—

53. Rural—		
Patna ... ..	4	2
Gaya ... ..	4	1
Shahabad ... ..	4	1
Muzaffarpur ... ..	3	1
Darbhanga ... ..	3	1
Saran ... ..	3	1
Champaran ... ..	2	1
Bhagalpur ... ..	4	1
Monghyr ... ..	3	1
Purnea ... ..	2	4
Santal Parganas ...	2	1
Hazaribagh ... ..	2	
Ranchi ... ..	2	
Palamau ... ..	2	2
Singhbhum ... ..	2	
Manbhum ... ..	2	
Cuttack ... ..	3	—
Puri ... ..	2	
Balasore ... ..	2	1
Sambalpur ... ..	2	

12. Landlords—		
Patna Division ...	3	1
Tirhut Division ...	3	1
Bhagalpur Division	2	1
Cuttack ... ..	3	1
Chota Nagpur ... ..	1	

10. Europeans—		
Patna Division ...	3	—
Tirhut Division ...	2	—
Bhagalpur Division	1	—
Orissa Division ...	1	—
Chota Nagpur Division ...	3	—

Commerce and trade—		
Patna Division ...	...	1
Tirhut Division ...	...	1
Bhagalpur Division	...	1
Orissa Division ...	...	1
Singhbhum and Ranchi	...	2
Manbhum ... ..	...	2
Hazaribagh and Palamau	...	2

*N.B.*—The seats in the urban area for Non-Muhammadan constituencies have been distributed on the basis of subdivisions except in Santal Parganas, Ranchi and Hazaribagh, in which two sub-divisions form a constituency.

	Non-Muhammadan.	Muhammadan
Labour—		
Manbhum ... ..	—	2
Singhbhum ... ..	—	1
Hazaribagh and Palamau	—	1
Monghyr ... ..	—	1
Depressed classes—		
Patna Division ...	—	1
Tirhut Division ...	—	1
Bhagalpur Division	—	1
Orissa Division ...	—	1
Chota Nagpur Division ...	—	1
Native Christians—		
Ranchi ... ..	—	2
Hazaribagh ... ..	—	
Palamau ... ..	—	1
Singhbhum ... ..	—	
Manbhum ... ..	—	
Orissa and Bhagalpur Divisions ...	—	1

<i>Non-Muhammadan. Muhammadan.</i>		
Patna and	} —	1
Tirhut Divisions		
University ...	—	1
Domiciled Bengalis—		
Patna Division ...	—	1
Tirhut Division ...	—	1
Bhagalpur Division	—	1
Chota Nagpur Divi-		
son ...	—	1
Orissa Division ...	—	1

## APPENDIX C.

*List of constituencies in Bihar and Orissa for the Legislative Assembly and distribution of seats.*

## 1. General constituencies—

(a) Non-Muhammadan—20 members—1 from each district.

(b) Muhammadan—6 members—1 landlord, and 1 from each of the five Commissioner's divisions.

## 2. Special constituencies—

(a) Landlords—3 members—1 from Patna, 1 from Tirhut and Bhagalpur, 1 from the Chota Nagpur and Orissa divisions.

(b) Domiciled Bengalis—1 member.

(c) Commerce and Trade—1 member.

(d) European—1 member.

(e) Native Christian—1 member.

(f) Labour—1 member.

(g) Depressed classes—1 member.

Total members—35.

## APPENDIX D.

*Alternative schemes for the electorate, if indirect election is rejected.*

(a) The qualifications for voting may be based, not on the rental paid but on the area held by—  
tenants,  
tenure-holders,  
landlords.

By increase in the number of seats area will become almost uniform except in places like Chota Nagpur; but there will be no uniformity in the number of voters. This is mainly due to the adoption of the rental basis which widely differs in different parts of the province. The tenants in bhowli districts pay sometimes ten times more for the same area than the tenants holding lands under the old nagdi system. This is the main reason why there is so much difference in the numbers of electors in North Bihar and South Bihar. If an area basis is adopted, this difference will disappear. Uniformity in the number is very essential, for more than one reason, as the difficulty increases with the increase in number. Any area between 5 and 10 acres may be adopted as basis. The area can be very easily ascertained from the settlement records. There will then be no necessity of having a different rental standard for different districts.

For landlords and tenure-holders the same area basis may be adopted. There is no reason why in this respect there should be any difference between landlords and tenants; unless the object is to disfranchise a number of landlords and tenure-holders;

or (b) If the above is rejected, and if the qualification of tenants remains on a rental basis, those of tenure-holders and of landlords may be identical with those of tenants, i.e., if tenant's qualification is Rs. 3 cess, the tenure-holder's and landlord's should also be Rs. 3 cess. If the present qualification is to be kept in the case of tenants, it is very desirable to have the same qualification for the landlords and tenure-holders. If the tenants who pay Rs. 3 cess are entitled to vote, landlords and tenure-holders

should also be entitled to vote if they pay Rs. 3 as cess. The number of such landlords and tenure-holders will not be very large. But it is not fair to disfranchise them. There should be one qualification for all in rural areas as in the case of urban constituencies.

Similar changes should be made in the Assembly qualifications.

## APPENDIX E.

*List of Books consulted.**Indirect election—*

"The Modern World: Russia," by Makeev and O'Hara, p. 243.

*Indirect election of Senate—*

"Modern Constitutions," by Dodd, Volume I, (France), p. 289.

"The Government of France," by Barthelemy, p. 62.

"Modern Constitutions," by Dodd, Volume II (The United States), p. 294.

*Constitution of Senate (Upper Chamber)—*

(1) "Modern Constitutions," by Dodd, Volume II (Italy), pp. 9 and 10.

(2) "Modern Constitutions," by Dodd, Volume II (Japan), pp. 33 and 34.

*Term of Senate (Upper Chamber)—*

(1) "Ireland" (The Modern World Series), by Gwynn, p. 203.

(2) "Government of France," by Barthelemy.

(3) "Modern Constitutions," by Dodd, Volume II (Japan), p. 34.

(4) "Modern Constitutions," by Dodd, Volume II (United States of America), p. 294.

*Members of Senate appointed for life—*

(1) "The Constitutions of Canada," by Kennedy, p. 384.

(2) "Modern Constitutions," by Dodd, Volume II (Italy), pp. 9 and 10.

*Age of members of the Senate (Upper Chamber)—*

(1) "Modern Constitutions," by Dodd, Volume I (France), p. 289

(2) "Modern Constitutions," by Dodd, Volume II (United States of America), p. 295.

(3) "The Constitutions of Canada," by Kennedy, p. 384.

*Joint Meeting of the two Chambers—*

(1) "The Government of France," by Barthelemy, p. 66.

(2) "Modern Constitutions," by Dodd, Volume II (United States of America), pp. 293 and 295.

*Function of the Council of State and the Upper Chamber—*

(1) "Modern Constitutions," by Dodd, Volume II (United States of America), pp. 296 and 297.

(2) "The Government of France," by Barthelemy, p. 72.

*The appointment of President by the Government—*

"The Constitution of Canada," by Kennedy, p. 385.

*Bicameral legislature in Provinces—*

"The Constitution of Canada," by Kennedy, p. 390.

## NOTE ON THE PROVINCIAL FINANCES.

The creation of this province was announced by His Majesty at the Delhi Darbar in 1911 and the province was formed accordingly on the 1st April, 1912. Before then this province was a part of the very advanced and self-contained province of Bengal.



## INVITATION TO SUBMIT MEMORANDA.

## INVITATION TO SUBMIT MEMORANDA.

1. The Indian Statutory Commission invites the submission of written statements or memoranda, both from official and non-official sources, from representative associations, local bodies, and from individuals on any of the subjects which fall within the limits of the enquiry which it is about to undertake. Before the Commission returns to India in October a programme of its studies in various centres will have to be drawn up. The written statements or memoranda now called for should be prepared and sent to the offices of the Commission at once so far as possible in order that the Commission may appreciate the main issues to be raised and proposals to be urged before it hereafter, although it is not possible to make arrangements before-hand for the orderly conduct of its subsequent enquiry.

2. Each written statement or memorandum is required to be delivered to the Commission in India on March 31st, 1931, and should be sent by registered post addressed to "The Indian Statutory Commission, Calcutta, India." After the date the Commission will register its own Office in India, where further communications will be received on its behalf. They should be sent by registered post addressed to "The Indian Statutory Commission, New Delhi Office, New Delhi," from which office they will be transmitted to the Office of the Commission in England.

3. Twelve pages of English or Hindustani are required in the first instance. Further space may be called for later, if the proposed Indian Committees are not equipped.

4. It is desirable that these memoranda should be delivered to the Offices of the Commission as soon as possible, or by any event not later than June 1st next. If for any special reason particular documents cannot be delivered till later, the Commission will be glad to be informed of the circumstances and will do its best to deal with them, but the organization of the Commission's enquiry makes it essential that the written material, much of which has doubtless already been prepared, should be promptly presented.

5. The terms of reference under which the Commission is acting are as follows:

It is "to enquire into the working of the system of government, the growth of education, and the development of representative institutions, in British India, and matters connected therewith," and it is "to report as to whether and to what extent it is desirable to establish the principle of responsible government, or to extend, modify, or restrict the degree of responsible government then existing therein, including the question whether the establishment of second chambers of the local legislatures is or is not desirable."

6. The Commission has already had the advantage of informal interviews with important and representative bodies and deputations both at Delhi and in several Provinces, and has been much assisted by these interviews in appreciating the nature of some of the main questions which it will shortly begin to investigate.

7. The Appendix to this notice contains a list of some of these topics (though the list does not profess to be exhaustive), and written statements or memoranda are also invited on any other subject within the Commission's terms of reference. It will be understood that those who submit memoranda are not expected or required to deal with all the subjects mentioned in the Appendix but only such of them, or with such other subjects, as specially concern the case they are putting forward.

8. The Commission attaches special importance to the written material which it is now inviting, for in many cases the memorandum will speak for itself, while in other cases the Commission after considering the memorandum (with the assistance of Indian

Committees if these are appointed) will intimate whether it desires to hear oral evidence in support of the memorandum and will endeavour to make the most convenient arrangements as to when and where this oral evidence shall be taken.

9. Every memorandum should be dated and signed by or on behalf of those who present it, and should give the address to which any communication from the Commission regarding it should be sent. As already stated, there will be many cases in which the memoranda submitted will themselves sufficiently convey to the Commission the views of those submitting them, but in cases in which it is desired to tender to the Commission oral evidence in support of any memorandum, the document should end with a clear statement giving the name and address of the witness who will be ready to come forward, if required, for examination and cross-examination.

10. Memoranda submitted in a representative capacity should contain a clear statement of the nature, extent and membership of the organization submitting them. When a statement is put forward on behalf of a class of persons, the Commission wishes to have a sufficient indication of the number of individuals who actually authorize it.

OFFICE OF INDIA. J. W. BHORE,  
STATUTORY COMMISSION, S. F. STEWART,  
CALCUTTA, INDIA. Secretaries.  
16th March, 1928.

## APPENDIX.

Note (A.) For the purpose of illustrating the meaning of the main heads below, some of the questions arising under each are given.

Note (B.) Replies need not deal with the whole field covered by the heads, but should be limited to the particular matters to which it is desired to draw attention.

Note (C.) Suggestions for the future are invited, as well as observations upon the structure and working of the existing constitution of British India. The Commission will be especially glad to receive any draft constitutional scheme which has been worked out beyond the stage of merely general propositions.

## 1. The representative system as applied to British India, e.g.:-

- (a) The basis of the franchise.
- (b) Methods of election.
- (c) Methods whereby particular interests, communal, local, social, and economic, may obtain adequate representation on local self-governing, provincial and central representative bodies.
- (d) The relationship between representatives and constituents.
- (e) The growth of parties.
- (f) The growth of informed public opinion.
- (g) Nomination of officials and non-officials as additional members of elected bodies.

## 2. The suitability of existing areas for legislative and administrative purposes and for the growth of representative institutions, e.g.:-

- (a) Local self-governing.
- (b) Provincial, including the discussion of proposals for extension of self-governing institutions to other areas than the nine provinces, and of proposals for division of existing provinces.

## 3. The local self-governing bodies (Municipalities, District Boards, etc.) and their relationship with the Provincial Government, e.g.:-

- (a) Constitution.
- (b) Functions.
- (c) Relationship with officials of Provincial Government.
- (d) Control by Provincial Government.
- (e) Finance.

